



This work is protected by copyright and other intellectual property rights and duplication or sale of all or part is not permitted, except that material may be duplicated by you for research, private study, criticism/review or educational purposes. Electronic or print copies are for your own personal, non-commercial use and shall not be passed to any other individual. No quotation may be published without proper acknowledgement. For any other use, or to quote extensively from the work, permission must be obtained from the copyright holder/s.

**Becoming a female solicitor: vocational
professional training as a site of identity
formation and professional socialisation**

Lucy Floyd

Thesis submitted for the degree of Doctor of

Philosophy

March 2019

Keele University

Abstract

Persistent structural inequalities within the solicitors' profession in England and Wales include the entry barriers faced by non-traditional applicants, and the hegemonic masculinity of the profession. Legal education is a significant actor in the process of legal professional socialisation, and vocational and professional training (VPT) is particularly significant because it is the only part of the formal legal education process through which almost all aspiring solicitors will go. Existing research does not specifically examine the significance of VPT in the formation of the professional identities of aspiring female solicitors, nor the ways in which that significance may vary depending on class background.

The study set out to answer the research question: What is the significance of the vocational professional training process as a site of professional identity formation and professional socialisation for intending female solicitors? Using the Legal Practice Course (LPC) as a vehicle, the study obtained qualitative data by conducting semi-structured interviews with female students at four institutions. An initial study was conducted at one institution (n = 9) and the main data collection phase took place during the subsequent academic year, when students across three further institutions (n = 14) were interviewed as they began their LPC and again as they finished the course.

The study is intersectional in nature and draws on concepts of professional identity and profession, together with those of field, capital and habitus. Its findings represent a contribution to debate about the professional project and suggest that VPT in its current form may reflect and thereby tacitly endorse or even exacerbate the professional status quo.

The study's findings contribute to knowledge in the field of legal professional identities and, although not generalisable, may provide a starting point for changes to aspects of the legal education and training process, and for future research.

Acknowledgments

I am grateful to the institutions which gave me permission to approach their students for the purposes of this study, and to the participants who generously gave up their time to be interviewed. I wish all of the participants the very best in every aspect of their futures.

I wish also to thank the colleagues, past and present, who have helped and supported me in many different ways in the course of my project. Thank you also to my supervisors, Professor Fiona Cownie and Professor Andrew Francis, whose valuable advice I very much appreciate.

Finally I thank my family for their constant encouragement and support.

Table of contents

Abstract	iii
Acknowledgments	v
List of figures	7
List of tables	8
Chapter 1 - Introduction	9
1.1 Introducing the problem: reasons for researching the LPC as a site of female professional identity formation.....	11
1.2 Contextualising the study: two inequalities within the solicitors' profession in England and Wales	14
1.3 Existing empirical studies – highlighting the gap.....	18
1.4 Significance of this study	21
1.5 Research aims and questions	23
1.6 Theoretical and analytical framework	24
The intersectional nature of the study	24
Key concepts	25
1.7 Overview of methodology	38
Measuring social class.....	39
1.8 Overview and structure of the thesis	40
1.9 Conclusions.....	43
Chapter 2 – Methodology	45

2.1 Paradigm rationale	45
2.2 Approach	48
2.3 Research design	50
2.4 Participants	52
2.5 Data collection	56
Development of the interview schedules.....	56
The interview process.....	57
The interview technique.....	59
Documentary study.....	60
2.6 Data analysis	61
Coding and developing themes	63
2.7 Quality criteria	65
Reliability and validity as traditional measures of research quality	66
Quality criteria in qualitative research	67
Alternative quality criteria for qualitative research	68
Generalisability	70
2.8 Ethical considerations	70
Insider research.....	71
Harm to participants	72
Privacy and confidentiality	74
The institutional approval process	75

2.9 Limitations	77
2.10 Conclusions.....	80
Chapter 3 - Student identities and polarity at the beginning of the LPC: stories of privilege and ‘outsiderness’	82
3.1 Participant backgrounds	84
3.2 Participants with training contracts	86
Accessing the profession	87
Being a member of the profession	93
3.3 Participants without training contracts	108
Accessing the profession	109
Being a member of the profession	119
3.4 Conclusions.....	124
Chapter 4 - The place of the LPC and student perceptions of its role	129
4.1 Putting the LPC in context	130
Regulation and representation of solicitors	131
What is the LPC supposed to do?.....	133
Teaching values and the link to legal professional identity	136
Does it matter where you do the LPC?	139
4.2 The gendered nature of the LPC?	142
4.3 Participants with training contracts	145
Perceptions of LPC providers	145
What is the LPC going to do for me?	147

4.4 Participants without training contracts	152
Perceptions and choice of LPC providers	153
What is the LPC going to do for me?	156
4.5 Conclusions	161
Chapter 5 – Student identities and polarity at the end of the LPC: striding out?	166
5.1 The effect on professional identity of aspects of the LPC provision: formal and informal curriculum	167
The formal curriculum	168
The informal curriculum	176
5.2 The ‘hidden’ curriculum: relating to others and institutional culture	179
Tutors as role models	179
Peer relationships	186
Institutional culture	190
5.3 Striding out: Having a training contract and reflections on the LPC	199
Confidently on to the next challenge: the continued construction of the <i>outward-facing</i> aspect of professional identity	201
Signs of identity dissonance?: <i>inner/personal</i> aspects of professional identity	205
The place of gender	210
5.4 Conclusions	214

Chapter 6 – Student identities and polarity at the end of the LPC: struggling on?	219
6.1 The effect on professional identity of aspects of the LPC provision: formal and informal curriculum	221
The formal curriculum	221
The informal curriculum	226
6.2 The ‘hidden’ curriculum: relating to others and institutional culture	236
Tutors as role models	236
Peer relationships	238
Institutional culture	241
6.3 Struggling on: not having a training contract and reflections on the LPC	243
On to the next challenge: the continuing struggle to construct the right <i>outward-facing</i> aspect of professional identity	246
Signs of identity dissonance?: <i>inner/personal</i> aspects of professional identity	252
The place of gender	256
6.4 Conclusions	257
Chapter 7 – Conclusions, implications and recommendations	261
7.1 Summary of findings	261
7.2 Contribution to knowledge	272
7.3 Implications and recommendations	273
Implications for practice	274

Recommendations for future research.....	284
7.4 Reflection on conducting the study.....	285
7.5 Final word	287
Appendix 1 - interview schedule for initial study.....	289
Appendix 2 - interview schedule for full study interview 1.....	293
Appendix 3 - interview schedule for full study interview 2.....	296
Appendix 4 – documents used for initial study.....	302
Appendix 5 – documents used for full study.....	308
Appendix 6 – letters of ethical approval	314
References	318

List of figures

Figure 2-1 Steps taken in the interview process	51
Figure 2-2 Extract from amended interview schedule	57
Figure 2-3 Example of initial coding.....	63
Figure 2-4 Example of development of themes	64

List of tables

Table 2-1 Paradigm justification (after Bryman, 2008, p. 22)	47
Table 2-2 Summary of information about participants	54

Chapter 1 - Introduction

“It kind of came at Cambridge where it was just a realisation that where you were born mattered. That how you spoke mattered... who you knew mattered. I didn’t really speak right or know the right people. I spent the summers packing toothpaste at a factory working where my dad worked and everyone else had gone on a gap year! To be honest my experience at Cambridge really knocked me for about five years.”

Jo Cox MP (from Yorkshire Post online, 26 December 2015)

Research indicates that girls in the UK perform better than their male peers at school (Coughlan, 2015; Espinoza, 2015; J. Wells, 2015). Statistics show that more women are studying law at university than ever before and that 60% of ‘early career’ solicitors are women (Law Society Entry Trends 2017). Young women are surrounded by messages from popular culture telling them they can ‘be whatever they want’ if only they ‘want it enough’. So far as the solicitors’ profession is concerned they encounter “*media generated images*” and even messages from universities which suggest easy and equal access (Sommerlad, 2008, p. 8) and do not acknowledge the ways in which the demands of the profession might be difficult for “*individuals who may have pressing commitments or responsibilities in relation to other areas of their lives*” (Collier, 2005, p. 71). There are, therefore, many reasons for female law students to assume that their passage into and progress within the profession is now one which is relatively straightforward.

However, on closer examination a more complicated reality emerges in which class and gender can both be problematic in different ways.

It appears that, in reality, class operates as a significant barrier to entry to the profession (Ashley, Duberley, Sommerlad, & Scholarios, 2015; Ashley & Empson, 2016a; Sommerlad, 2007, 2008; 2012a; Sutton Trust, 2017). And moreover, for women who are able to negotiate that barrier, gender subsequently comes into play and the structuring properties of the profession perpetuate a masculinised environment (Law Society, 2010) which can be difficult for women comfortably to negotiate (Tomlinson, Muzio, Sommerlad, Webley, & Duff, 2013) and where gender-related unconscious bias is commonly experienced, according to the Law Society's ongoing research project 'Women in the Law' (Law Society, 2018) . The intersectionality of class and gender of women seeking to enter the profession therefore provides a lens through which to examine its exclusionary structures in a way which accounts for "*multiple grounds of identity*" (Crenshaw, 1991, p. 1245) and thereby avoids over-simplifying the position.

This thesis draws on a range of key concepts including professional identity, and elements of Bourdieu's Theory of Practice to describe the significance of vocational professional training ("VPT") in the formation of the legal professional identities of women from a range of class backgrounds. An empirical research study was carried out using the postgraduate Legal Practice Course ("LPC") as a vehicle. 'Before and after' qualitative interviews were conducted with female students in an attempt to explore the significance of VPT in the complicated process of learning to be a solicitor and the ways in which this might vary with social class. The study thus aims to provide insights into the role which VPT may play in reflecting, and so sustaining, inequalities which exist within the profession.

1.1 Introducing the problem: reasons for researching the LPC as a site of female professional identity formation

My interest in the issues explored in this study stems from my own experiences as a female solicitor, and later LPC lecturer.

I am 47 years old and teach law at a post-1992 university in England. I am married with children aged 13 and 15. I come from a middle-class background (see discussion of class at **section 1.7** below). Both my parents went to university; I went to a girls' grammar school and studied undergraduate law at Oxford University. My impression there was that it was expected that law graduates would go on either to the Bar or to City solicitors' firms because these were seen by the student body as the most prestigious ways of practising law. I went on to sit the Law Society Final examinations at the College of Law in York before training as a solicitor at a large commercial firm in Leeds. My path into the solicitors' profession was a fairly easy one. I was well-supported in my studies by both my school and my parents; my university provided plenty of opportunity to network with members of the legal profession; I obtained a training contract (then called articles) fairly easily and my training firm and local education authority helped finance my Law Society Final examinations and related living expenses.

I qualified into my training firm's banking litigation department and stayed there until about two years after qualification when I moved to the litigation department of a multinational accountancy firm's in-house law firm. At that stage, aged 27, I began to think quite seriously about changing my job. I felt uncomfortable in the masculinised commercial environment in which I was working and did not enjoy the confrontational nature of litigation practice, which I found very stressful and

where the disputes with which I dealt often seemed unimportant to me. As I began to think about the possibility of having children I found it very difficult to see how I would be able to combine my job (which often involved long and sometimes unpredictable hours of work, with little flexibility) with being a mother, and felt I did not enjoy my work enough to make it worth making the sacrifices that would be involved. I decided to investigate the possibility of a job teaching on the LPC and in 2001 got a job teaching at an LPC provider which was run by a board of trustees taken from two universities local to it. In 2008 the provider was taken over by one of its parent universities so I was then employed by that university to teach on the LPC. In 2013 the LPC closed and most of my LPC teaching colleagues were made redundant but I obtained a redeployment post within the law department. After 18 months in that post I moved to a different post -1992 university where I am now a senior lecturer and teach mostly on law undergraduate courses but also on the LPC. I am comfortable in my job and feel that, unlike my job in legal practice, it is one which suits my personality and values.

In my LPC job I noticed that some female students were anxious about whether a career in legal practice could be combined with motherhood and about whether legal practice (particularly commercial practice) was 'for them'. This was particularly so amongst those students who, by the time they started the LPC, already had a training contract at a commercial firm which was paying for their course. They asked me why I had left practice and whether it was a decision I had made because I wanted to have children. I felt awkward when they asked me this sort of question because although I suspected that some of the students might not enjoy the sort of legal practice they had signed up for, I also realised that it would be difficult for them to change direction. I also wondered whether this difficulty

might be more pronounced for students like me who, because they came from relatively privileged backgrounds, had had an easy and fairly rapid journey into the legal profession.

I became interested in what might be the theoretical underpinning of these issues and so began to read about women in legal practice and ideas of professional identity and identity dissonance. I realised that on many occasions I was reading my own story but I also realised that it might be possible for those in my position (ie those involved in the provision of VPT) to encourage reflection on and challenge to some of the issues facing my female students. This was the starting point for my study of female LPC students.

As this study progressed, however, I became conscious that participants did not have as much to say about gender as I had thought they would. They tended not to have reflected much, at this early stage in their legal career, on what might be the significance of their gender as their careers developed. What did emerge from the data, though, was the difference between those who did and those who did not have training contracts at the start of the LPC. Here there was a fairly strong class divide at play; those with training contracts were almost all from more privileged class backgrounds and those without were almost all from less privileged backgrounds. It therefore became clear that, at this early stage in female students' legal careers, class was an important factor and that the complicated nature of the LPC's influence could only be seen if gender and class were examined as *intersecting* aspects of professional identity.

1.2 Contextualising the study: two inequalities within the solicitors' profession in England and Wales

Since the latter part of the twentieth century, and especially since the 1980s (Abel, 1988), the solicitors' profession in England and Wales has changed significantly. The profession has become more diverse (Tomlinson et al., 2013) and so far as gender is concerned, far more women are entering the profession (Bolton & Muzio, 2007, 2008; Tomlinson et al., 2013). In addition, globalisation has led to an increase in the influence of large law firms within the profession (Faulconbridge & Muzio, 2008; Sommerlad, 2016) and there has been a continued process of deregulation as a result of the Legal Services Act 2007 ("LSA") (Webley, 2015). It is against the backdrop of these changes that two persisting inequalities within the profession are identified in the literature: first, the class bias which it is argued still exists in the process for recruitment to trainee solicitor jobs; and second, the ways in which women (despite their growing numbers) are disadvantaged in the profession.

The first problem relates to class. Research (Oxfam, 2014) suggests that in British society the gap between the most and least well-off is "*soaring*" (Hughes, 2016). Generally it is becoming more difficult for those from non-privileged backgrounds to access 'elite' professions such as law and accountancy (Ashley et al., 2015; Laurison & Friedman, 2015). Law firm recruitment practices continue to make it difficult for those from non-traditional backgrounds to enter the profession (Sutton Trust, 2017); each year the number of applicants far exceeds the number of training contract places and in 2013 the City firm Freshfields received 1600 applications for 80 places (Fouzder, 2014). In general, competition is fierce for the 5000 or so training contracts available each year and in spite of statistical

evidence that the profession has become more diverse, firms' tendency to recruit a certain 'type' of person at graduate entry stage tends still to exclude those from non-traditional backgrounds, particularly in terms of class, ethnicity, and education (Francis, 2011; Sommerlad, 2007). Class appears to be a particularly significant factor (Ashley et al., 2015; Sutton Trust, 2017) and, while the issues are complicated and are fully explored later in the thesis, there is evidence that candidates are selected at least in part on the basis of what has been termed by the press 'poshness' (see for example McSmith, 2015); indeed, 40% of the graduate trainees recruited by top law firms were educated at fee-paying schools, although only 7% of the population as a whole goes to such schools (Ashley et al., 2015). Furthermore, candidates are expected to demonstrate particular behaviours which are not easily developed except through significant exposure to, and knowledge and understanding of the solicitors' profession (Francis, 2015; Francis & Sommerlad, 2009); it is important for them to develop the 'right' sort of lawyerly identity, which is itself grounded in a "*conventional professional model*" whereby

"an elite (and therefore once exclusively white male) profession negotiates the threat to its status represented by the influx of less prestigious groups by developing a range of exclusionary strategies" (Sommerlad, 2012a, p. 2496)

and which demonstrates the "*resilience*" (Sommerlad, 2008, p. 7) of class as an exclusionary barrier. The process of learning to be a solicitor involves developing "*a range of attributes and practices many of which are tacit and involve insider knowledge*" (Sommerlad, 2008, p. 3) which is not accessible to those who, because of their class background, do not have easy access to or links with the profession.

The second problem is that although women appear not to be discriminated against at the point of entry to profession (statistics show that 62.3% of new trainee solicitors in the year ending 31 July 2017 were female (Law Society Entry Trends 2017), they are nonetheless disadvantaged *within* a profession which is structured and stratified along gendered lines (Bolton & Muzio, 2007, 2008; Tomlinson et al., 2013; Webley & Duff, 2007). Equality initiatives pursued by law firms appear not to make much difference, with the result that lip service is paid to the problem but no real progress is made (Kumra, 2015) and statistics show clearly, for example, that being female is still an obstacle to partnership (Aulakh, Charlwood, Muzio, Tomlinson, & Valizade, 2017). Being female, a fundamental part of any woman's individual identity, may therefore be enough to put her in a position of lesser power within the profession (Sommerlad, 2007; Webley & Duff, 2007) and there is evidence that women are disproportionately likely to leave the profession as a result, or to move to roles or practice areas which are less male-dominated (Tomlinson et al., 2013), as a reaction to the "*cumulative marginalisation*" they encounter (McGlynn, 1998, p. 105).

The persistence of these two inequalities raises questions about systems of legal education and training in England and Wales and the extent to which the legal education and VPT process seeks to address them or has the potential to do so.

To understand the potential significance of the VPT process it is necessary to appreciate that by its nature it brings together students with a range of experiences and backgrounds. It is helpful to bear in mind that only 48.2% of solicitors admitted to the Roll of Solicitors in England and Wales in 2012 (so at around the time this study began) had qualified via an undergraduate law degree. Another 31.4% had studied a different subject at undergraduate level and then

taken the Graduate Diploma in Law (“GDL”). A further 13.1% had qualified via the Qualified Lawyers’ Transfer Test (“QLTT”) which allows lawyers qualified in certain other jurisdictions to qualify as solicitors in England and Wales (SRA Diversity Monitoring Statistics 2012). When discussing the role of legal education and training, therefore, it is important to remember that a significant proportion of students embarking on the LPC may have had no prior legal education apart from the 1-year GDL. The vocational stage of training is therefore a crucial and particularly powerful stage of the legal education process for those intending to become solicitors. The LPC is, for most students, the first time they have studied in a context where both course and cohort have a single end in sight: that of qualification as a solicitor in England and Wales. Students must pass the course (which, when studied full-time, is a one-year course) by achieving outcomes which are specified by the Solicitors’ Regulation Authority (SRA Legal Practice Course Outcomes 2011) and which relate generally to technical competence (Trede, Macklin, & Bridges, 2012).

The LPC is, then, in one sense a uniting experience. At the same time, it is almost certain to be the last stage of students’ formal education and therefore the last opportunity for the formal legal education process to influence (intentionally or otherwise) the process by which individuals learn to be solicitors. The VPT process is still run, for the most part, on a ‘one size fits all’ basis (see **Chapter 4** for more detail on this) so that regardless of gender, class background, whether a student has a training contract or the area of practice or type of firm for which they are bound, the formal element of their VPT experience will be largely the same, subject to some variations in the latter part of the course.

The VPT process is, therefore, a highly significant stage in the development of individual legal careers and the process of becoming a lawyer. It is crucial that its current role be examined so as to ascertain the extent to which its significance may vary between students and the ways in which it may, in its present form, either seek to address, reflect or even exacerbate the two inequalities identified above, with particular focus on the significance of the *intersection* between class and gender. It appears that no study has yet done this in relation to the solicitors' profession in England and Wales.

It is almost certain that by 2020 (or soon afterwards) the SRA will have changed the qualification process for solicitors in England and Wales and that the LPC will be phased out. Nonetheless, lessons learned from this study about the part played by the LPC in the process of professional socialisation and professional identity formation might play a part in helping providers of legal education and training to shape the future direction of their provision. The changes proposed by the SRA are discussed in more detail in **Chapter 7**.

1.3 Existing empirical studies – highlighting the gap

Several empirical studies have looked at aspects of the VPT process for solicitors in England and Wales (in particular Boon & Whyte, 2002; Fancourt, 2004; Sommerlad, 2007) but none has as its specific focus the intersectionality identified above. Fancourt's study investigates the views of trainees and firms on the usefulness of the LPC as regards what might be termed technical training and the ability to do the work of a solicitor but does not purport to address other aspects of learning to be a solicitor and developing a lawyerly identity and behaviour. Such issues are explored in detail in Sommerlad's study of LPC students, and to a

lesser degree in Boon and Whyte's work. However, Sommerlad's study, which is carried out at a single provider institution, does not purport to establish in detail the effect of different *aspects* of the experience and moreover tends to focus (because of the characteristics of the student cohort which is studied) on students from non-traditional backgrounds rather than on students from a range of class backgrounds, whose positions might then be compared. Boon and Whyte's study looks at experiences of the VPT process from the point of view of solicitors in practice (who have, by definition, achieved a measure of success) and so does not capture the reflections of students at an early and often uncertain stage in their professional development. It therefore does not have as its main focus the effect of VPT but involves wider-ranging reflection on the different stages of legal education and training.

None of these studies has looked specifically at the experiences of female students (although there are studies which look specifically at the experiences of women at a later stage in their career; see for example the research undertaken for the Legal Services Board by Sommerlad, Webley, Duff, Muzio and Tomlinson (2010), and the continuing research project entitled 'Women in the Law 2018' which is being undertaken by the Law Society). As has been identified above, women face particular problems within the solicitors' profession in spite of the fact that in the year ending 2014 they made up 60% of those admitted to the roll in England and Wales (Law Society Entry Trends 2016). They make up, it is argued, "*a reserve army of legal labour with lesser terms and conditions*" (Bolton & Muzio, 2007, p. 47) and it is further suggested that the experiences of women may well be an indication of what is happening within the wider profession (Collier, 2015; Webley & Duff, 2007). Abel (2015) predicts moreover that the sort of career path

experienced by women and those from less privileged backgrounds (which may well involve periods of “*contingent and part-time*” work (2015, p. 209)) is likely to become more common within the profession and in light of these arguments it is essential that the particular position of women be examined.

In summary, there has not yet been a study which seeks to examine in detail the influence of the VPT process itself, nor to look at the ways in which the process is experienced differently by, and therefore has varied significance for female students from different class backgrounds. This represents a gap in our understanding of how the solicitors’ profession in England and Wales is shaped. It also limits the extent to which the academic community, practitioners, regulators and The Law Society, all of whom are stakeholders in the field of VPT, are able to make informed recommendations or decisions about ways in which the current or any VPT process might provide opportunities to address the problems outlined in this section. This study is a contribution to that missing gender-specific focus and goes further by allowing intersections with class to be examined, so avoiding the essentialising of gender (Alvesson, 2002; Connell, 2009) and helping to fill the particular need for research identified by Abel as being urgently needed (2015). More widely, the study helps to bridge the gap (identified by Trede et al (2012)) between research which investigates professional identity and that which looks at the higher education process at a time when

“educators could be argued to have even more of a responsibility to ensure their curriculum does not exclusively teach technical skills and theoretical knowledge, but also the valuable nature of the profession involved” (Trede et al., 2012, p. 382).

1.4 Significance of this study

The findings of this study are not intended to be generalisable “*to individuals, sites or places outside of those under study*” (Creswell, 2014, p. 203). As is the case with qualitative data generally, it is important to accept that in this study “....[the] *vagaries and idiosyncracies of people actually influence the findings*” (G. Thomas, 2013, p. 143); however, it is hoped that nonetheless the findings may be useful in helping those in similar VPT contexts (be they providers, students or other interested parties) to think about their own positions. Its value is in the provision of “*exemplary knowledge*” (G. Thomas, 2011, p. 33) which may be of use to those in similar situations (Schofield, 1993).

In **section 1.1** I have explained the gap which has until now existed in relation to our understanding of the part played by VPT in the process by which female students from a range of class backgrounds learn to be solicitors. This thesis builds on existing work on the professional socialisation of intending solicitors and is, because of its focus, significant in two key areas. First, it contributes to ongoing discussion of the evolution of the solicitors’ profession in England and Wales. Second, it is of significance to those with an interest in legal education. It may in particular be useful to those who feel that there is value in

“using the key findings of research about both the barriers facing non-traditional students, and the strategies used by those who achieve ‘success,’ to enhance the education and training process [at the undergraduate stage] in a way that will both reduce the opacity of the way in which entry to the labour market works, open employing organizations to more public scrutiny and thereby reduce the information asymmetry which

market theorists would see as one of the key dysfunctions of the current state of affairs.....[and in] improv[ing] students' critical understanding of the legal profession..... to engage law students in critical reflection about the legal profession". (Sommerlad, 2008, p. 14).

Although the study uses the LPC as a vehicle for the study, its findings are of relevance generally to our understanding of the role of VPT in the legal professional socialisation process and so is particularly significant at a time when, as a result of the SRA's overhaul of the professional qualification process, referred to as "*Training for Tomorrow*" (SRA, 2013), new models of VPT (and even perhaps the abolition of compulsory VPT) are being considered and when providers of legal education across the board may soon have the opportunity to innovate in relation to the scope and focus of their courses (for discussion of the possibilities, see for example Moorhead, 2016a, 2016b).

This study therefore addresses gaps in our understanding of the VPT process in three ways. First, in terms of subject matter it examines the experiences of students from a range of provider institutions and class backgrounds; it looks specifically at the experiences of women and provides a detailed insight into the socialising effect of different aspects of VPT. As such, it contributes to our understanding of how inequalities in the profession may be reflected and even perpetuated by the VPT process in England and Wales, with particular focus upon intersections of class and gender.

Secondly, the *methodological* approach taken in the study is significant. Because I have carried out in-depth, semi-structured interviews I have been able to capture the voices and the "*lived human experience*" (Van Manem, 1990, p. 16) of my

participants. Because participants in the main study were interviewed twice (at the beginning and towards the end of the course) I have been able to make *change* a “*central focus of analytic attention*” (Plumridge & Holland, 2003, p. 185) and to investigate the

“dynamic process of how individuals make meaning of their lives and incorporate these meanings as a basis for future action” (Thomson, Plumridge, & Holland, 2003, p. 214).

Thirdly, the study allows me also to contribute to *theoretical* understanding in this area in that it provides a detailed insight into the significance of class/gender intersectionality in the process of professional identity development and the ways in which that intersectionality affects experiences of the process.

1.5 Research aims and questions

I argue at **section 1.1** above that it is necessary to examine the role of VPT so as to ascertain the extent to which that role may vary between students and the ways in which it may be contributing to the two inequalities identified in that section; that is, the disadvantaged position within the legal profession of women and of students seeking to enter the profession who are not from privileged class backgrounds. This study aims to examine that role and, with a view to so doing, the thesis will answer the following research questions:

Main research question:

What is the significance of the vocational professional training process as a site of professional identity formation and professional socialisation for intending female solicitors?

Sub-questions:

How does the significance of the vocational professional training process vary between female students from different class backgrounds? (Findings to be discussed in Chapters 3,4,5 and 6).

What is the significance, and how does it vary between female students from different class backgrounds, of different aspects of vocational professional training and the LPC curriculum? (Findings to be discussed in Chapters 5 and 6).

1.6 Theoretical and analytical framework

In this section I explain the key concepts on which my study is built. It is an intersectional study which draws on concepts of professional identity and profession, together with those of field, capital and habitus.

The intersectional nature of the study

By focussing on the intersectionality (Crenshaw, 1991) of class and gender at an early stage in the formation of legal professional identity my aim is to explore the ways in which the LPC is experienced differently by women from different class backgrounds so as to bring out ways in which gender may be “*only one of several dimensions of inequality or domination*” (Krais & Marston William, 2000, p. 60) and

to appreciate that women's experiences are not uniform, nor do women from different backgrounds necessarily share social or cultural characteristics (Alvesson & Billing, 2009). The reality is that "*there is no single story to be told, but many different ones*" (Silius, 2003, p. 141). It is clear from my own story that a variety of factors may influence the development of a female lawyer's professional identity (which may also be affected by intersections with other social status such as age or religion) and it is aspects of this development which this thesis seeks to explore.

In claiming that my study has an intersectional element I am assuming a broad approach to intersectionality which classes as *intersectional* any study which examines the intersections of any social status, and which need not necessarily define itself with reference to the term (Jones, Misra, & McCurley, 2013). In doing so I am recognising that although intersectional studies often have as their focus "*marginalised subjectivities and identities*" (Leppanen, Westinen, Kytola, & Peuronen, 2017, p. 18), they may not always do so.

Key concepts

The overarching purpose of this thesis is to explore what participants felt about themselves as lawyers; people who were to become members of the solicitors' profession; and how their feelings were influenced by their experiences of the LPC. Crucial to any analysis of the data, therefore, are the concepts of *professional identity* and the legal *profession*, and my position in relation to both concepts will be explained before I go on to explain the concepts of field, capital and habitus, which are aspects of Bourdieu's Theory of Practice (1977) and are drawn on throughout the thesis.

This thesis does not contain a separate formal literature review chapter but discussion of the literature is developed further in **Chapters 3,4,5** and **6**. In this way, the literature is reviewed throughout the data analysis process and I aim to avoid the problem, identified by Wolcott (1990), of having a literature review chapter which does not clearly link with the study as a whole.

Concepts of identity and professional identity

It has been argued that an individual has multiple and overlapping identities which correspond with the different roles she has in life (P. J. Burke & Stets, 2009; Erikson, 1974; Yang Costello, 2005). For a female LPC student who intends to become a solicitor, such identities might include that of a woman, a wife, a mother, a lawyer, a law student, a graduate of a particular university, a member of a particular family, and so on. Her identity as a lawyer or law student is her *professional identity*, whereas her identities as a woman, mother and wife are aspects of *personal identity*. Of course, aspects of these identities overlap; the student's gender, for example, is part of both her professional *and* her personal identities. Indeed, being female may be a highly significant aspect of being a lawyer at different times and in different ways in that it may affect, for example, the way one is expected to look (Sommerlad, 2003, 2008); one's prospects of career progression (Tomlinson et al., 2013); and the practice areas one may eventually work in (Bolton & Muzio, 2007). It therefore affects both *what is expected* of an individual, and what *happens to* her. As well as being highly significant to identity, however, gender is a fundamental and therefore relatively inflexible aspect of it; it is one we can do little about (McNay, 2000), even though we may decide consciously to behave in a way which is at odds with it.

Professional identity is a type of social identity; that is the identity one has by virtue of one's belonging within a group or category (Jenkins, 2004). The formation of a professional identity requires an individual to internalise professional norms and ethics so as to behave with authority and competence so that others, for whom it is difficult to evaluate the work of the individual, feel confident about their work. It is concerned partly with how one represents oneself to others and partly with how one sees oneself (Yang Costello, 2005) and is formed through the process of professional socialisation (Sommerlad, 2008). In this thesis I will identify, and argue that for the purposes of analysing the data in this project it is helpful to draw a distinction between, two different but overlapping aspects of professional identity which are hinted at by Yang-Costello and which I suggest may be termed *outward-facing* and *inner/personal* aspects.

I will in **Chapters 3,4,5** and **6** discuss the *outward-facing* aspect of professional identity which, for law students, involves (but is not limited to) playing a part which is designed to give “a well-designed impression of a particular kind” (Goffman, 1959, p. 18), or engaging in “*identity performance*” (Francis & Sommerlad, 2009, p. 65) in order to demonstrate the ‘right’ graduate identity (Francis, 2015). The way in which one represents oneself to others is partly conscious (such as when one decides to dress in a particular way) and partly unconscious in that it is “*invisible to us below the surface of consciousness*” (Yang Costello, 2005, p. 20).

I will also identify an *inner/personal* aspect of professional identity which relates less to performance or the construction of outward impressions and more to the inner construction of a sense of professional self which might be the result of reflection on questions such as:

“Who am I as a member of this profession? What am I like, and what do I want to be like in my professional role?.....What place do ethical-social values have in my core sense of professional identity?” (Carnegie Report 2007, p.135).

It is, therefore, closely linked with an individual's personal values.

I have explained that this study was undertaken with two structural inequalities which characterise the solicitors' profession in mind: the difficulties faced by individuals from less privileged class backgrounds who seek to access the profession, and the difficulties faced by female solicitors once they enter it. These inequalities may be described as being to do with 'accessing the profession' and 'being a member of the profession' respectively and I suggest that it may be useful for these purposes to distinguish between *outward-facing* and *inner/personal* aspects of professional identity.

It is crucial to an understanding of professional identity that we appreciate its complex and shifting nature; the process of professional identity formation is a reflexive project (Giddens, 2006; Sweetman, 2003) which is influenced both by the individual agency of individuals and by the objective structures or properties of the environment (Giddens, 1991). Jenkins explains that

“one's identity – one's identities, indeed, for who we are is always singular and plural – is never a final or settled matter” (2004, p. 5).

Because of this, it is important to see professional identity as

“not [as] a fixed property, but as part of the lived complexity of a person's project” (Clegg, 2008, p. 329)

and it is on a particular phase of that project or process of professional socialisation; of “*becoming professional*” (Schleef, 2010, p. 124), which this study aims to shed light.

Thinking about professional identity formation, then, involves thinking about individuals. However, individual professional identity formation also entails thinking about oneself as part of a profession. After all, how do we know what sort of performance or impression to create unless we know something about the occupational group we want to join? And what is the link between the members of this group and the nature of the profession overall? How might individual members bring about a change in the nature of the group? This means that in analysing the data in this study it is necessary to have regard to the current shape of the legal profession and how it sees itself, so as to understand the context in which legal professional identity formation is happening and by which it is influenced.

Sommerlad’s study of professional identity formation in the legal profession (2007) points out that as well as there being scope for an individual reflexively to change their professional identity in the course of their becoming a lawyer there is also scope, through this change, for the institutional identity of the profession to adjust over time, although it is important to recognise that an individual actor’s power to bring about such change will vary depending on that actor’s social position within the space concerned (Battilana, 2006), and will take time (Yang Costello, 2005).

Nonetheless, it is possible, therefore, for collective changes in professional identity to address issues of social inequality (Yang Costello, 2005). Thinking about professional identity, then, inevitably involves also thinking about the profession collectively. It is necessary therefore to explain the concepts of *profession* and *professionalism* which will be used in the thesis.

Concepts of profession and professionalism

It is acknowledged in the literature that an agreed definition of *profession* is difficult to establish (Freidson, 1994). For example, Larson contends that “*the professional phenomenon does not have clear boundaries*” (2013, p. xi), although she suggests that social scientists usually describe professions as involving

“special power and prestige...special competence...[and emphasis on] the service of the public, above and beyond material incentives” (2013, p. x).

Writing specifically in the context of the solicitors’ profession in England and Wales, Sommerlad (2008) argues that in spite of difficulties of definition “*there is substantial agreement about its [a profession’s] core characteristics*” (p.2), which, drawing on Larson (1977) and Burrage (1996) she lists as:

“a grounding in an articulation of cognitive and normative dimensions, producing both the ability to control a market and achieve social status and its exclusive, community character.....which is justified as producing a natural adherence to common ethical standards” (p.2).

This list of characteristics should, however, be seen in the context of a profession which it is generally agreed has changed over time (see **section 1.1** above) so that it may not be realistic to think of the modern profession as a homogeneous whole with common characteristics but as one which has become fragmented (Francis, 2011).

Francis argues that the strategies of control which are employed by the legal profession in England and Wales are now, as a result of its fragmentation, mobilised not collectively by the profession but by individuals and also by

organisations, who have increasing power in shaping professions generally (Cooper & Robinson, 2006; Faulconbridge & Hall, 2014; Faulconbridge & Muzio, 2008). The direct and indirect strategies of exclusion which are at work in the solicitors' profession in England and Wales have an effect on the social composition of the profession (see for example Francis, 2011; Sommerlad, 2007, 2008, 2015).

Section 1.1 explains the class and gender-related inequalities which exist within the profession and which may be a result of strategies of exclusion. In relation to gender, it is even suggested that the very concept of profession is gendered (see for example C. Davies, 1995; Witz, 1990, 1992). As Davies puts it, *"a key feature of profession, as presently defined, is that it professes gender"* (1996, p. 661); professions involve *"the social organisation of work that valorise[s] the masculine"* (1996, p. 670). In the context of the solicitors' profession in England and Wales, women who want to be successful must therefore assume a *"fictive identity"* (Sommerlad, 2003, p. 197) which involves assuming male characteristics in order to avoid being marginalised in a workplace which is still *"dominated by informal and gendered criteria which facilitate the exclusion of women solicitors"* (Bolton & Muzio, 2007, p. 49). Less value is attached to what might be argued are the particular strengths which women may bring to legal work, such as ethical decision-making (Glover, Bumpus, Sharp, & Munchus, 2002; Moorhead, Denvir, Cahill-O'Callaghan, Kouchaki, & Galoob, 2016), care and intimacy (Gilligan, 1982; West, 1988) or the ability to look after and retain clients (Sommerlad et al., 2010), and instead there is emphasis on what are seen as masculine traits of rationality and logic (Menkel-Meadow, 1985). Although gender now no longer seems to be a barrier to entry to the profession, patterns of exclusion have culminated in a

solicitors' profession in England and Wales which is segmented along gender lines (Bolton & Muzio, 2007, 2008).

Professionalism has been interpreted as an occupational value which involves the adoption of a set of values and ethical standards. It suggests working in a way which goes beyond technical competence and involves also the upholding of certain norms of conduct (Black, 2012). It is argued, however, that although historically solicitors in England and Wales might have seen themselves as “*member[s] of a public service profession*” (Ching, Maharg, Sherr, & Webb, 2015, p. 158), since the coming into force of the LSA (pursuant to which regulation of the profession shifted to an outcomes-based system, within which “*the only values are those of the market*” (Ching et al., 2015, p. 157)) the solicitors' profession has lost some of its sense of concern for the welfare of others and that new solicitors are less likely to be sensitive to such issues (Ching et al., 2015).

In light of the fragmentation of the solicitors' profession in England and Wales it may now be difficult to identify a profession-wide set of values and ethical standards and it may be more appropriate to acknowledge the plurality of legal professional values (Francis, 2005) and to recognise that professionalism may take many different forms (Empson, 2007).

The literature on the professions appears to recognise a shift away from traditional concepts of professionalism (see for example Evetts, 2015; Faulconbridge & Muzio, 2008; Hanlon, 1999) towards a greater emphasis on commercialism and the law firm as a business. The term is still used but may now have somewhat different connotations; for example, it may be invoked by those managing professional organisations for a range of different purposes such as exercising

internal control, as a marketing tool and as a means of attracting new employees (Evetts, 2012). In this way, we see meanings of professionalism being imposed on the profession from outside so that

“the concept of professionalism has an appeal [not only] to and for practitioners, [but also to and for] employers and managers in the development and maintenance of work identities, career decisions and senses of self” (Evetts, 2012, p. 4).

The term may, then, mean different things to different stakeholders but nonetheless, in relation to the solicitors’ profession it is argued that whilst *“professional systems of work are increasingly bound to organizational strategies, tactics, systems and methods”* (Faulconbridge & Muzio, 2008, p. 8), traditional ideas of professionalism persist, albeit *“contaminated”* (Faulconbridge & Muzio, 2008, p. 8) by these alternative logics. Concepts of professionalism may therefore be seen as multiple and shifting; moreover, professionalism is perhaps now seen rather more instrumentally than the ideological concept of professionalism which was criticised by Johnson (1972).

This study assumes that an individual’s conception of professionalism (which, as explained above, will inevitably vary) is a component of their legal professional identity and comprises the set of values and ethical standards which inform their own sense of what it means to be a solicitor. It may in some cases be closely linked with the values and ideas which have been learned from and are situated within a particular firm; in others it may be a much more abstract conception relating to the values and standards which an individual imagines they *would* adopt *if* they had an opportunity to work in legal practice. It is, I suggest, part of the

inner/personal aspect of professional identity but may also influence the *outward-facing* aspect in that it may influence one's behaviour and the impression one gives; at a superficial level, for example, it may be important to construct an *outward-facing* aspect of professional identity which demonstrates knowledge and understanding of regulatory objectives and the professional principles set out in the LSA.

I turn now to an explanation of the ways in which concepts of field, capital and habitus are drawn on to explain participants' various starting points in, journeys through and reflections on the social space of the LPC and, in turn, the wider profession.

Field, capital and habitus

Aspects of Bourdieu's Theory of Practice (1977) have been used as tools in discussion of data from a number of empirical studies relating to legal professional identities and the solicitors' profession in England and Wales (for reports of the studies themselves see, for example, Collier (2005), Sommerlad (2007), Francis & Sommerlad (2009), Francis & McDonald (2009), Sommerlad, Webley, Duff, Muzio & Tomlinson (2010), Faulconbridge & Hall (2014) and Ashley et al. (2015)), with particular discussion of gender and class-related issues emerging from those studies in Sommerlad (2008, 2012); gender in Tomlinson et al. (2013), and class in Ashley and Empson (2016b) and Webley et al. (2016).

My use of the same concepts therefore enables me to make clear the ways in which my study builds on and aims to fill gaps in the body of knowledge established by these studies.

When thinking about professional identity formation it is important to be aware of the significance of both the individual and of social structures (Giddens, 1991) and Bourdieu's Theory of Practice provides a means of doing this, in that it may be seen as "*trying to escape from the old epistemological disputes confronting subjectivism versus objectivism*" (Navarro, 2006, p. 13) and providing "*a language or at least some concepts that...allude to a process of mutual definition between structure and agency*" (Colley, James, Tedder, & Diment, 2003, p. 478). The theory suggests that, within society, structures and inequalities are constantly reproduced in the course of practices which are "*oriented towards the maximisation of material or symbolic results, that is, mainly interest-motivated*" (Navarro, 2006, p. 14). Within any given social space (such as, for example, the solicitors' profession in England and Wales, or a particular law firm) those who dominate will be those who have the most of the types of resources or *capital* which are valued in that space (Bourdieu, 1977) or *field*, being the "*objective structure of unequal positions which accumulate around any form of practice*" (King, 2000, p. 425), or the

"network, or configuration, of objective relations between positions. These positions are objectively defined, in their existence and in the determinations they impose upon their occupants, agents or institutions, by their present and potential situation...in the structure of the distribution of species of power (or capital) whose possession commands access to the specific profits that are at stake in the field, as well as by their objective relation to other positions" (Bourdieu & Wacquant, 1992, p. 97).

To become dominant or establish distinction within a field, individuals embark on a strategic project (King, 2000) in which they make changes to their *habitus*.

Habitus is a feature of a person which influences their behaviour but which is not consciously felt, such as a way of talking or moving, and which is

“laid down in each agent by his earliest upbringing, which is the precondition...for the co-ordination of practices but also for practices of co-ordination” (Bourdieu, 1977, p. 81).

It is *“history turned into nature”* (1977, p. 78) or *“the way society becomes deposited in persons in the form of lasting dispositions”* (Wacquant, 2005, p. 316). Crucially, it is *“derived directly from the socioeconomic or structural position in which individuals find themselves”* (King, 2000, p. 423). What then happens in society, or practice, is a product of the relationship between the field or social space in which a person finds themselves and the habitus and capital they have evolved and acquired (Bourdieu, 1977). It is seen by those within the field as an objective reality (Webley, Tomlinson, Muzio, Sommerlad, & Duff, 2016). Habitus is, therefore, a significant aspect of the *outward-facing* aspect of professional identity which is suggested earlier in this section.

Capital may be one of several different types. In this sense, Bourdieu’s concept of capital is different from that used previously by Marx in that it encompasses not just economic capital (money and assets) but other forms (social and cultural) which may collectively be called *“symbolic capital”* (Navarro, 2006) and are converted or transformed forms of economic capital which represent *ways of accessing* that economic capital (Moore, 2008). *Social capital* might include a person’s social networks and their affiliations such as, for example, their belonging to a particular family, alumnae association or sports club. *Cultural capital* may be embodied, such as a way of walking; objectified, such as a painting or a theatre

visit; or institutionalised, such as an academic qualification; (Bourdieu, 1986; Webley et al., 2016) and is important as an indicator of class difference; to possess certain sorts of cultural capital indicates distinction (Bourdieu, 1984) and cultural capital is therefore crucial in order to “*perpetuate social differences and hierarchies*” (Navarro, 2006, p. 15). It may be acquired “*quite unconsciously*” (Bourdieu, 1986, p. 245), even from birth for those from families with plenty of cultural capital, and may be seen or recognised as competence (Bourdieu, 1986).

Although theoretical concepts associated with Bourdieu’s Theory of Practice will be used in my thesis I do not claim to conduct an analysis which fits exactly with and follows on precisely from the empirical studies Bourdieu carried out. However, using these concepts allows me to make a useful contribution to our understanding of legal professional identity formation in spite of the fact that I may be using only “*discrete aspects*” of his work (Goodman & Silverstein, 2009, p. 4). In doing this I am perhaps being a “*picky consumer*” (Lamont, 2012, p. 229) and am not embracing what some would argue is the “*necessary integrity of the whole package*” (Lamont, 2012, p. 229) but I do so because his theory maps well onto the data in this study and provides useful tools for thinking about legal professional identities. It allows me to describe how they are formed, by referring to the solicitors’ profession in England and Wales as a social field within which certain types of social and cultural capital are valued, and field position and therefore agency are determined by an individual’s habitus and the types and amount of capital they have accumulated.

1.7 Overview of methodology

Chapter 2 deals with methodological issues in more detail but a summary is provided here in order to introduce the considerations which have informed the way in which I went about conducting the research.

In order to address my research questions, the research described in this thesis took the form of a socio-legal study in which the main source of data was qualitative interviews carried out with female LPC students at four different provider institutions in England and Wales. Before beginning the main stage of data collection in Autumn 2013 I carried out a small initial study at my own institution in May and June 2013 where I interviewed nine students as they came to the end of the LPC. In the Autumn of 2013 I began the main stage of data collection and carried out interviews with female students at three different LPC provider institutions (not my own) as they went through the early stages of the LPC. I interviewed 14 students in total at this stage and interviewed the same 14 students again in May and June 2014 as they came to the end of their LPC.

Because I wanted to achieve a complex, in-depth understanding of my research subjects and the context in which they spoke, it was appropriate to conduct qualitative rather than quantitative research (Bryman, 2008). The design of the project assumes a constructivist and interpretivist view of knowledge. This fits in with my theoretical standpoint or *worldview* (Creswell, 2014) which is that people's experiences have subjective and multiple meanings which may change from time to time (Creswell, 2007).

Measuring social class

The Office for National Statistics no longer uses the term 'class' and instead divides society by reference to socio-economic group, using indicators such as employment relations and conditions of occupations in order to indicate socio-economic differences (Office for National Statistics Guidance on SOC2010).

Nonetheless, 'class' is a term still widely used in the relevant literature (see for example Ashley et al., 2015; Ashley & Empson, 2016b; Francis & Sommerlad, 2009).

For the purposes of the study my approach to determining the social class background of participants is based on that taken by Ashley et al (2015) in their work for the Social Mobility and Child Poverty Commission. They point out that there is *"no consensus about how to measure social class"* (p.8) but suggest that parental occupation is often significant and that other proxies including parents' educational background, and whether an individual went to a fee-paying school, may also provide a *"useful but inevitably incomplete guide to current and historical patterns of social exclusion"* (p.8). Drawing on this discussion, I made my assessment by looking at parental occupation, level of parental education and the type of school attended by the participant. This approach is also in line with the determinants of class referred to by Francis and Sommerlad (2009) in their study on access to legal work experience. Sommerlad also suggests (2008) that the Higher Education Institution attended by an individual may be an indicator of social class. As acknowledge by Burke (2016), it is difficult to measure social class in a way which captures the rather binary distinction drawn by Bourdieu between the dominant and the dominated (Bourdieu, 1984) but it is argued (L. Archer, 2003; C.

Burke, 2016) that socio-economic status is a sensible starting point for measuring class.

I have therefore, in describing and analysing the data, used the indicators described above to draw a distinction between participants who were from more or less privileged class backgrounds.

1.8 Overview and structure of the thesis

This thesis will make a number of key arguments. By way of starting point, first I argue that the VPT process is the nearest thing we have to a common gateway to the profession and is the first stage in the process of legal education and training where in many institutions the student cohort is drawn from a wider variety of backgrounds than would be found within an individual school or HEI. As such, it is a potentially significant actor and resource in the professional socialisation process. It might, by explicitly encouraging and supporting students in reflection on and development of both *outward-facing* and *inner/personal* aspects of their legal professional identities (see **section 1.6** above), contribute to the resolution of the two inequalities within the profession which have been identified at **section 1.1** above.

My next argument, however, is that at the beginning of the LPC there is significant variation both in the degree of development and the nature of student professional identities. Perhaps most dramatic is the difference which tends to exist between those who do and do not have training contracts, and which appears to correlate closely (but not entirely) with class background.

Those who do have training contracts tend to be from more privileged class backgrounds and are likely already to have been socialised at organisational level by their training firm and to feel little need for VPT to develop or influence either aspect of their somewhat narrowly-constructed professional identity because they already feel embedded within the profession and often already feel part of their training firm. By way of contrast, those without are more likely to be from less privileged class backgrounds and may have had little opportunity to develop either aspect of their professional identity. They remain outsiders to the profession. Because of this polarity, the effect of VPT inevitably varies greatly between students; their experiences are fragmented and their needs, so far as development of their professional identity is concerned, are disparate.

For both groups, issues of gender are obscured at this early stage in their legal career, but for very different (class-related) reasons. Those with training contracts may, by virtue of their social privilege, have been fast-tracked into easily and uncritically acquired professional identities; their gender has not so far caused them any difficulty and they assume that it will not do so in future. Those without may be insensitive to issues of gender because gender is, for the moment, not worth worrying about when there are more pressing class-related entry barriers to be overcome.

This polarity of status and need is problematic and means that it is unrealistic to conceive of VPT as a shared educational path which might somehow support some sort of occupational cohesion, or to expect that in its present form it could support the sort of identity work which is needed, either by individual students for their own sakes, or by those at the margins of the profession who would benefit from a shift in its collective professional identity.

My final argument is that moreover, anything which might (in spite of my second argument above) be done to encourage students to develop and reflect on aspects of their professional identity cannot easily be done in the context of current VPT provision. This is because the content and focus of VPT is largely dictated by the SRA's LPC Outcomes (SRA Legal Practice Course Outcomes 2011) and the needs of training firms and so is very much geared towards ensuring technical competence. Neither regulatory requirements nor market forces provide an obvious rationale for addressing aspects of professional identity. Students do not therefore expect the course to deal with issues of professional identity.

My final argument is that the significance of the VPT process therefore lies in the fact that it appears merely to reflect and so perpetuate or even exacerbate the fragmented and stratified status quo within the solicitors' profession in England and Wales.

In order to develop my arguments, the thesis is organised over seven chapters.

Chapter 1 provides an introduction to the thesis; it explains the aims of and reasons for the research project, contextualises the research and identifies the precise research questions to be answered. **Chapter 2** describes and explains the methodological decisions I made when carrying out this study. Detailed discussion and analysis of the research done and data obtained in the areas which are relevant to this project is reserved for **Chapters 3,4,5** and **6**. These chapters use Bourdieu's Theory of Practice (1977) as a framework to enable discussion of the data obtained and how it has helped me to answer my research questions. They are organised on the following lines: **Chapter 3** is entitled "**Student identities and polarity at the beginning of the LPC: stories of privilege and 'outsiderness'**" and identifies and describes what the data revealed to be two

fairly distinct participant typologies which appeared to link with class background.

Chapter 4 is called “**The place of the LPC and student perceptions of its role**”

and discusses the role of VPT generally, and specifically the LPC. It examines the participants’ perceptions of the purpose of and expectations of the LPC at the start of the course, how these varied according to class background and how they changed over time, together with the reasons for their choice of LPC institution and their awareness of the differences between LPCs. **Chapters 5** and **6** entitled

“**Student identities and polarity at the end of the LPC: striding out?**” and

“**Student identities and polarity at the end of the LPC: struggling on?**”

respectively, examine the extent to which, by the end of the course, participants’ professional identities had changed, the extent to which aspects of the LPC provision appeared to have been responsible for that change and the ways in which, again, these appeared to vary with class background. **Chapter 7** concludes the thesis by suggesting some of the implications of the outcomes of the research

1.9 Conclusions

This introductory chapter outlines the problem on which my research question:

What is the significance of the vocational professional training process as a site of professional identity formation and professional socialisation for intending female solicitors?

is based.

It is generally acknowledged that VPT plays a part in the process of legal professional identity formation, yet the role of VPT in that process has not yet been interrogated in detail. This thesis aims to investigate that issue.

The next chapter will briefly outline the methodological stance which underpins this study and highlight the methodological decisions taken in the course of the study.

Chapter 2 – Methodology

This chapter will explain the methodological decisions taken in relation to my study, the aim of which was to investigate the significance of vocational legal education as a site of professional identity formation for female students.

It is very clear (see, for example, Creswell (2014), Gibbs (2007) and Yin (2009)) that good research is likely to include a clear account of methodological decisions taken and procedures used so that those reading about it can be sure that it is

“defensible in design by providing a research strategy that can address the evaluative questions posed...rigorous in conduct....[and] credible in claim”

(Spencer, Ritchie, Lewis, & Dillon, 2003, p. 7).

The purpose of this chapter, therefore, is to explain how these criteria have been fulfilled.

2.1 Paradigm rationale

For me, investigating the significance of the vocational legal education process for the professional identity formation of female students meant finding out about those students’ subjective experiences and about the different ways in which they viewed the process of becoming a solicitor.

In order to answer my research questions it was necessary first to decide the methodological stance I should take in order properly to investigate the issues I wanted to look at. Guba’s position is that the research process must be underpinned by *“a basic set of beliefs that guide action”* (2010, p. 17) and Thomas argues that researchers should have in mind a *“framework for thinking about the*

social world” (2013, p. 105). In general there are two main frameworks (which may also be referred to as *epistemologies* and *ontologies*) and a researcher’s choice of which to adopt will depend upon the aims of the research, as illustrated in the table at **2.1** below.

The first is positivism, which assumes that

“there are objective facts ‘out there’ to be discovered by rigorous enquiry, leading to laws or generalizations that describe the world and, ideally, allow good predictions to be made” (Arksey & Knight, 1999, p. 10).

Positivism requires the researcher to remove their own value position from the research (G. Thomas, 2013). In relation to this project, though, my methodological decisions are influenced by an awareness of the limitations of positivism and a concern that even if it were possible to make incontrovertible statements about human behaviour, these would not necessarily be helpful because they might not help us to understand the reasons for such behaviour (Arksey & Knight, 1999). Given the aims of my research I did not feel that a positivist paradigm would be helpful and wanted to work within a paradigm which involved a recognition that

“the realities we study are social products of the actors, of interactions, and institutions” (Flick, 2006, p. 78),

and are therefore changeable and subjective. I knew myself that if I were being interviewed, my answer to a question about my experiences of an event might be different from day to day, for a number of reasons, and I needed to find a way of dealing with the fact that the same would be true of the data I would obtain.

The second framework, which sits much better with the aims of my research, encompasses interpretivism and constructivism. Flick explains the constructivist view that

“participants through the meanings ascribed to certain events actively produce realities and objects” (2006, p. 84)

and that as a result of this, realities are multiple and complicated.

I consider that my job as a researcher in this study is to *“grasp the subjective meaning of social action”* (Bryman, 2008, p. 16) and to *“place the interpretations that have been elicited into a social scientific frame”* (Bryman, 2008, p. 17). This requires a concern with words and thoughts (G. Thomas, 2013) and suggests very strongly that collecting qualitative data is appropriate so that multiple and complicated realities may be effectively represented.

Table 2-1 Paradigm justification (after Bryman, 2008, p. 22)

	Quantitative	Qualitative	Relevance to Research Aims
Principal orientation to the role of theory in relation to research	Deductive; testing of theory	Inductive; generation of theory	
Epistemological orientation	Natural science model, in particular positivism	Interpretivism	Research questions require the investigation of subjective experiences of the respondents
Ontological orientation	Objectivism	Constructionism	Study investigates professional identity formation by interpreting the subjective experiences of respondents

2.2 Approach

As explained at **section 2.1** above, my “*worldview*” (Creswell & Creswell, 2017, p. 5) means that it is appropriate for me to carry out qualitative research. Lichtman suggests that qualitative research is likely to involve the adoption of one of a number of particular approaches such as a case study approach, ethnography or phenomenology, but she also acknowledges that more than one approach may be used in the same research project. I did not feel that in this study I would necessarily be adopting wholesale any one of these distinct approaches and felt more comfortable with the *generic* approach she describes:

“if the researcher takes a generic viewpoint, it is not necessary to adopt any one approach to doing qualitative research” (2013, p. 78).

Nonetheless, I suggest that my approach to this study has some similarities with narrative research and, to an extent, with a life history approach in particular. Squire et al. explain that narrative research involves the telling of stories, and may involve “*stories as accounts of.....developing or expressing personal identity*” (2014, p. 6).

Dhunpath (2000) points out that the focus of narrative research is “*not on the factual accuracy of the story constructed, but on the meaning it has for the respondent*” (2000, p. 545) and that “*in this regard, the approach is also constructivist*” (p. 545).

His observation that

“narrative research emphasises personal stories and narratives, the intensely individual nature of each person’s experience and people

constantly remaking themselves as an active, ongoing social project” (2000, p. 545)

is of particular resonance in the context of this study because my research focuses on the ways in which female LPC students engage in just such a project of professional identity formation and because of this, a narrative approach seemed to make sense and seemed also to fit with the longitudinal aspect of the study and my desire to find out about change during the LPC.

My research may also have similarities in particular with topical life history, which Ward (2003) describes as a life history approach where “*only one phase or aspect of the participant’s life is presented*” (p.30). The similarity lies in the fact that

“it addresses the interactions that ultimately direct the participant’s line of thought and subsequent courses of action, enabling the researcher to identify and comment upon the genesis of the directions being researched” (2003, pp. 28-29).

It should be acknowledged that the life stories or life histories I was told were undeniably partial and, as observed by Brannen will have been

“shaped by the researcher’s interests and their questions, by interviewees as they take these and their own interests into account, and by the research encounter itself” (2013, p.2).

Participants varied in their approach to my questions; some gave brief answers which I then had to explore using prompts and follow-up questions, whereas others seemed to use the questions in a way identified by Brannen:

“interview questions can act as hooks upon which people choose to hang their stories” (2013, p.3);

in other words, the information elicited by an interview question may have more or less of the characteristics of a life history or story depending on whether *“some [women] launched into a narrative mode while others did not”* (2013, p. 3). Even by the time of the second interviews I had learned which of the participants was likely to use the questions asked of them as a *“hook”*.

2.3 Research design

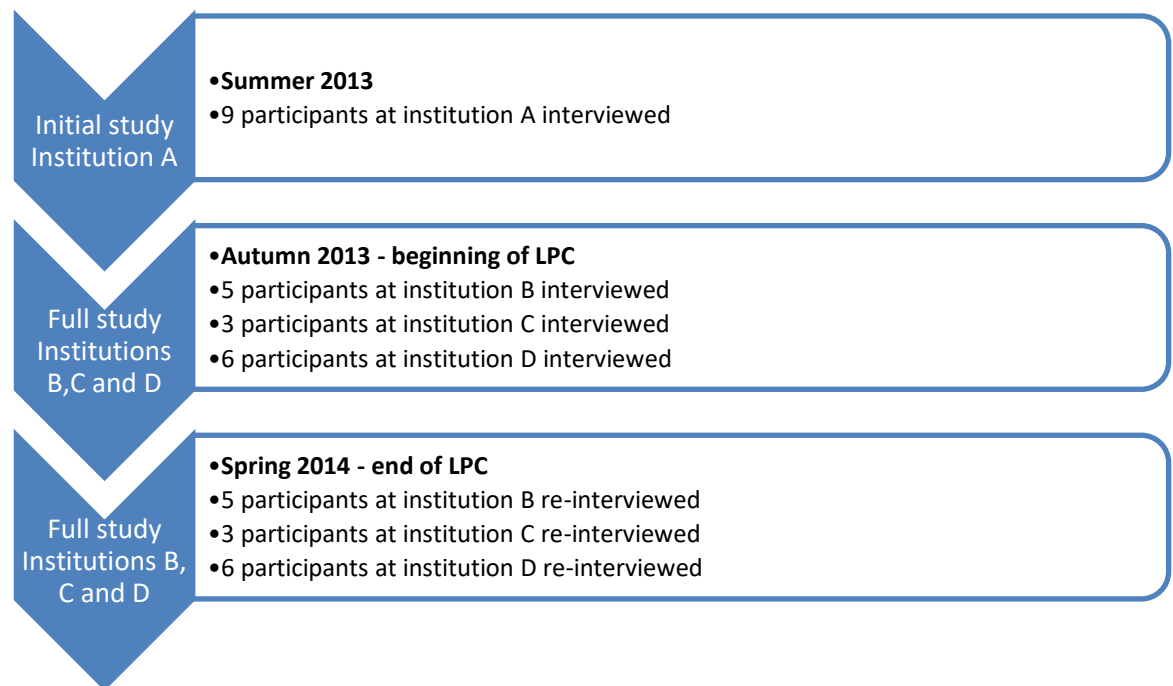
The flow chart at **Figure 2.1** below shows the steps taken to collect qualitative data through semi-structured interviews, although the process of data collection is described more fully at **section 2.5** below.

I chose to carry out qualitative interviews, which are used where a researcher is interested in the interviewee's point of view and where rich, detailed answers are sought (Bryman, 2008). It has been suggested that interviews are an appropriate research method

“when we want to know something about what another person has to say about his or her experience of a defining event, person, idea or thing. We choose the interview because we know that the best way to get into the lived experience of a person who has experienced an important.....issue is to enable the person to narrate that experience” (Nunkoosing, 2005 p.699),

and so I felt that interviewing would be the best technique for collecting the type of data needed for my study. The initial study also yielded valuable data which are discussed, along with data from the main study, in **Chapters 4,5 and 6**.

Figure 2-1 Steps taken in the interview process



I decided to carry out an initial study at institution A because this would help me to prepare for the full study by giving me an opportunity to try out my draft interview schedule and refine the issues to be investigated and questions asked (G. Thomas, 2011). It was also useful, although I had not anticipated this benefit, because it allowed me to practise and get better at qualitative interviewing before the main study began. This allowed me to feel more relaxed when conducting interviews and I think that this in turn helped to relax the participants.

Although the initial study was a form of pilot in that it enabled me to refine or modify my methods and test my research instrument (G. Thomas, 2013) the interviews also yielded valuable data which form part of the data discussion in **Chapters 4,5 and 6**. In this sense, the initial study need not be seen as being completely separate from the full study but as being simply the beginning point of a progressive process of data gathering (Van Teijlingen & Hundley, 2001).

I also collected data through documentary study, the process of which is discussed further at **section 2.5** below.

Finally, I decided only to interview women. I appreciate that although the focus of my research is the experiences of women, data obtained from male participants would be interesting because they would allow comparisons to be made. However, my decision allowed me to obtain as much rich, detailed data as was possible in relation to the lived experiences of women and this enabled me to ensure the quality of my work (see **section 2.7**). A comparative study looking at the experiences of both male and female students might be undertaken in future in order to build on the findings of this study.

2.4 Participants

Figure 2.1 above shows the timings of the interviews carried out, together with the number of participants interviewed at each institution.

The way in which I approached participants was slightly different for each institution. Institution A, where the initial study was carried out, was the institution at which I taught at the time. Although a formal invitation to participants was made via hard copy letter, as required by my institution's ethical approval committee, I did not feel that the letter was particularly significant in persuading students to volunteer to be interviewed. The letter had to be delivered to communal student pigeonholes in a shared common room and I already knew that these pigeonholes were not checked very often and that letters were therefore likely to languish there unread. A couple of students did read the letter and approach me as a result, but it was more usual for participants to be recruited via word of mouth, which was a form of snowball sampling (Bloch, 2004). I found in particular that once two or

three students had already been interviewed others were more willing to come forward because they had heard from their colleagues that being interviewed had been an enjoyable (or at least not unpleasant) experience.

At institution B (access to which I gained through an ex-colleague who now works there) an invitation email was sent out via the course team who thus acted as *gatekeepers* to the institution (Byrne, 2004) and this resulted in several students volunteering to be interviewed. After initial interviews with four volunteers, one further student came forward when she heard from a friend about her experience.

I was introduced to institution C through my supervisor who had links there and was subsequently put in touch with the LPC course director, with whom I then corresponded by phone and email. An invitation email was sent out to students via the LPC course administrator. This did not produce any volunteers and so I visited the institution. My visit was publicised in advance, with the result that one volunteer came forward after I had arrived on the day of my visit. I was allowed to go and speak to one seminar group at the beginning of their class and this led to two further volunteers.

At institution D I had been given permission to approach students through an ex-colleague who had moved to work there. An initial invitation email was sent out by administrative staff at the institution but this did not lead to any volunteers and so I decided to visit the institution and address the student body. I was allowed to go into the lecture theatre at the beginning of a criminal litigation lecture and to introduce myself and remind students that I was looking for volunteers. After the lecture I made myself available in the student common room for students to come and speak to me about my research and in this way obtained six volunteers, with

whom I then made appointments to meet either later that day or on another day to suit them.

I was very pleased and relieved that every one of the participants in the full study was prepared to be interviewed a second time towards the end of their LPC course. For the second interview it was much easier to make arrangements and I simply corresponded with each participant direct via email and arranged a time to visit them at their institution. One of the participants had left the LPC by the time of the second interviews but was nevertheless prepared to be interviewed and I met her at a coffee shop near to institution D for that purpose.

Nine participants were interviewed in the initial study and 14 in the full study; in the full study each participant was interviewed twice and so a total of 37 interviews was carried out. In the full study five of the participants were from institution B, three from institution C and six from institution D. **Table 2.2** below summarises information about the participants. Assessments as to class background were made on the basis described at **section 1.7** in **Chapter 1**.

Table 2-2 Summary of information about participants

Pseudonym	Institution	T/C?	Age at first interview	Uni	Degree class	GDL?	Legal work experience?
Melissa	D	Yes (city)	23	Oxbridge	2:1	no	yes
Cassandra	D	Yes (city)	25	Oxbridge	2:1	yes	yes
Julia	D	Yes (city)	20s	Pre-92	2:1	no	yes
Belinda	D	Yes (city)	23	Oxbridge	2:2	no	yes
Shirley	D	Yes (city)	26	Pre-92	2:1	yes	yes
Sophia	D	no	21	Pre-92	2:1	no	yes
Anita	B	no	22	Post-92	2:2	no	no
Mary	B	no	30	Other EU country	average marks	yes	law teaching and law publishing
Jennifer	B	no	27	Post-92	2:1	no	yes
Helen	B	no	20s	Pre-92	2:1	yes	a little
Rowena	B	no	23	Pre-92	2:1	no	yes

Antonia	C	no	43	Pre-92	not known	no	no
Miranda	C	[Yes]	34	Pre-92	3	no	yes
Linda	C	no	20s	Post-92	2:2	no	a little
Alice	A	Yes (regional office of London commercial firm)	24	Oxbridge	2:1	yes	yes
Lorna	A	Yes (regional)	21	Pre-92	2:1	no	yes
Marie	A	no	24	Post-92	2:1	no	yes
Maria	A	no	47	Pre-92	2:1	no	a little
Cara	A	no	Over 40	Oxbridge	2:1	no	no
Karen	A	Yes (London – human rights etc)	23	Oxbridge	1	no	yes
Emily	A	no	22	Post-92	2:1	no	yes
Hannah	A	no	22	Pre-92	2:1	no	yes
Serena	A	no	24	Pre-92	2:1	no	yes

During the initial stages of the study I was concerned about whether the number of interviews/participants was sufficient to ensure the quality of my research (see **section 2.7**) but was constrained by a limited number of volunteers as well as limited time and resources for travel to the different institutions. Baker & Edwards conclude that the number of qualitative interviews needed for a research project will vary but that practical constraints are not to be ignored and that it may be argued that what is important is not the number of interviews but the quality of the work done when measured in terms of “*richness, complexity and detail*” (2012, p. 5). Limited time (at the time of data collection for the full study I was working full-time in a new academic post) and resources, as well as the limits on participants’ time, also prevented me from carrying out a set of interviews at the mid-point of the LPC; this potential limitation of the study is addressed further at **section 2.9**.

2.5 Data collection

Data were collected using semi-structured interviews and documentary study and this section explains those two processes in more detail.

Development of the interview schedules

I chose to conduct semi-structured interviews because I felt that they would have a number of advantages for my study. I wanted to use the interview schedule to provide a rough framework within which to conduct the interview but not to dictate the order in which questions were asked; instead it served as a prompt or aide-memoire. I also wanted to have flexibility, not only in relation to the order in which topics were dealt with but also to explore certain answers by asking follow-up questions and probing for more information where appropriate. However, I was conscious of the need to focus on a number of specific issues (such as, for example, why participants wanted to be solicitors) and to ensure that interviews had been conducted in a similar way at each of the provider institutions. Semi-structured interviews are appropriate when a researcher seeks to do these things.

I drafted the interview schedules with my research questions in mind and so as to link in with the conceptual and theoretical underpinnings of this study, which are explored in **Chapter 1**. An initial interview schedule, a copy of which is at **Appendix 1**, was developed for use in the initial study, following which I amended it for use in the two interviews to be carried out with each participant in the full study, partly so as to take account of the longitudinal aspect of the full study but also subsequently so as to deal with issues or problems I had encountered when carrying out the initial interviews. For example, I made an amendment to the initial interview schedule so as to ensure that in the full study I asked questions which

were more precisely aimed at finding out about participants' perceptions of the capital they might lack from a law firm's point of view. An extract from the amended schedule is at **Figure 2.2**.

Figure 2-2 Extract from amended interview schedule

	<p>What sort of person becomes a solicitor?</p> <p>What do you want to achieve? What might help/stop you?</p> <p>Do you feel you fit in here?</p> <p>How do you think you will fit into a law firm?</p> <p>How do you think it might be different being a female solicitor from being a male</p>	<p><i>Expand:</i></p> <p>→ Add re normative eg what do you lack?</p> <p>P1</p>
--	--	--

Draft schedule for initial interview – version 1 – 7 March 2013

2

Copies of the interview schedules which were approved by the Keele University Research Ethics Committee are at **Appendices 2** (for the first interviews which took place near the beginning of the course) and **3** (for the second interviews which took place towards the end of the course).

The interview process

Once participants had agreed to be interviewed I gave them a further copy of the information sheet with which they had initially been provided when I wrote to them (for the initial study) or arranged for them to be emailed (for the full study) to ask them to take part. I then made an appointment with them for the interview. This

was often done by email but on a few occasions I was approached directly by participants and so it was possible to fix an appointment in a face-to-face discussion.

Interviews usually took place at the provider institution (it was usually possible to be given the use of an empty office or teaching room for this purpose) but occasionally different arrangements were made. Two of the interviews in the initial study were carried out at locations which were more convenient for the participant; once in an hotel close to the participant's home and once in a city-centre location. In the full study, one participant had left the course by the time of the second interview and it was not therefore possible for us to meet at her institution without students or staff wondering what she was doing there and thus raising issues of confidentiality. We met instead at a coffee shop near to the provider. On one occasion it was not possible to make arrangements for a face to face interview and so I arranged to interview a participant by Skype. The use of online, face-to-face interactions as a means of carrying out qualitative interviews has been discussed by a number of researchers (see for example Lo Iacono, Symonds, & Brown, 2016; J. Sullivan, 2012) and the general consensus appears to be that its advantages outweigh its disadvantages. Although I was able to obtain useful data from the participant I interviewed by Skype, I felt that on that particular occasion technological difficulties (poor sound quality and intermittent loss of the Skype connection) meant that both she and I perhaps rushed through the interview so that we could complete it before another technological problem arose and I did feel concerned (see discussion of Skype interviewing in Seidman, 2015) that she might feel the process had not afforded her the respect she deserved.

Interviews usually lasted around an hour, although there was some variation and the longest interview was about one hour and 45 minutes. Before the interview began I asked each of the participants to sign a consent form and gave them the opportunity to look again at the information sheet with which I had provided them. All participants allowed me to record their interviews using a hand-held digital voice recorder. Before I began to record the interview I told each participant that I would be referring to them using a pseudonym so as to ensure anonymity.

Each interview was subsequently transcribed and analysed. I sent each participant a transcript of their interview by email and invited them to let me know if they thought that it contained any errors or if they wanted to expand on anything they had told me. This was a way of checking the data obtained so as to ensure the quality of the research (Gall, Gall, & Borg, 2007).

The interview technique

After the first few interviews in the initial study I felt that my interview technique began to improve so that by the time of the full study there was good-quality interaction between myself and participants. This meant that there was less chance that

“data....might be corrupted by inappropriate questioning, inadequate listening or the absence of desirable interpersonal skills on the part of the interviewer” (Partington, 2001).

My experience in the initial interviews was that my reaction to participants' answers was very important; when speaking, they would look to me for signals that I had understood them but would sometimes stop speaking if they thought I

was signalling that I had heard enough. Partington (2001) emphasises the importance of establishing empathy and rapport with participants and being careful not to respond to answers in a judgmental way. I also realised the importance of picking up on signals from the participants; Corbin & Morse (2003) suggest that it may be important for researchers to develop interviewing skills so that they can conduct the interview in a way which is sensitive to the participant's needs and I certainly found that there were occasions where it was necessary for me to pick up on non-verbal signals; for example, on one occasion a participant showed that she was feeling time-pressured by looking frequently at her watch because she had to be at her next teaching session at a particular time. On another, the participant had agreed to be interviewed after classes finished which meant that the interview did not begin until after 5pm. After an hour or so it was clear that the participant was very tired and I responded to that by bringing the interview to a close more quickly than I had planned. At all times I tried to show respect for the participants, which Seidman (2015) points out is crucial to the interview.

Documentary study

In order to have a good understanding of the interview data it was important for me to know something about the context in which the interviews were being carried out. I needed to understand the wide context of things like developments in the solicitors' profession, the training contract market and the LPC (most of which I already knew about) but also to know something about each of the provider institutions at which I was carrying out interviews so that I could analyse the interview data in light of things like knowledge of course structure, course ethos and extra-curricular support and provision. To this end I obtained copies of course

documentation from each of the providers (usually an LPC course handbook) and also researched each institution online.

Another documentary resource I used was my own research journal. Many authors emphasise the importance of reflexivity in the research process (see for example Alvesson & Skoldberg, 2018; Berger, 2015; Silverman, 2010) and it is suggested by Watt (2007) that keeping a research journal is an effective way of ensuring constant reflection. I found that at the beginning of the study I did not write in my journal very often but began to do so more and more as time went on until by the time this thesis was complete I had filled seven fairly thick notebooks.

2.6 Data analysis

I analysed the interview data using a process of coding (Seale, 2004) and thematic analysis (Braun & Clarke, 2006). It is suggested that qualitative data may be analysed either by using methods which link with a specific theoretical stance such as grounded theory or discourse analysis or by using methods such as thematic analysis which may be used in conjunction with a variety of theoretical approaches and can be employed as

“a constructionist method, which examines the ways in which events, realities, meanings, experiences and so on are the effects of a range of discourses operating within society” (Braun & Clarke, 2006, p.9).

In this study I have taken the latter approach. My approach may also be described as a *“general inductive approach”* (D. Thomas, 2006, p. 238) where

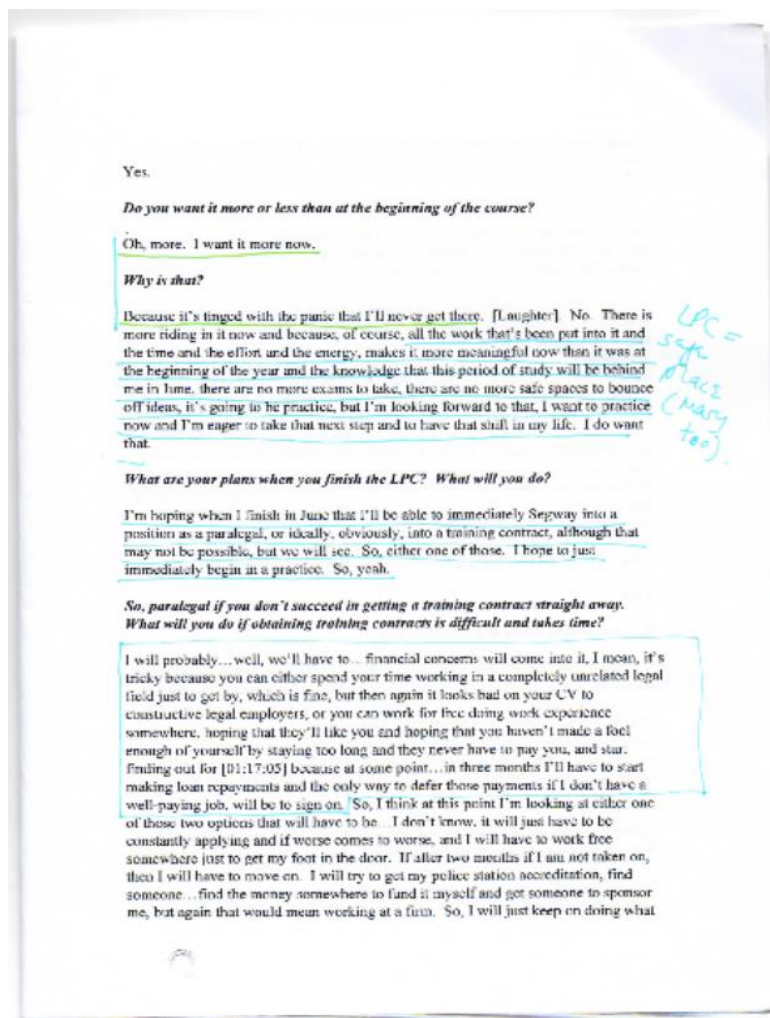
“the researcher begins with an area of study and allows the theory to emerge from the data” (Strauss & Corbin, 1998, p. 12).

The process of analysing my interview data began during the interviews themselves when I found myself, while listening to participants, making mental (and subsequently written) notes about comments they made which I thought were significant, and issues they raised which I decided I wanted to ask more about or comments I wanted them to clarify. I realised that I was doing this in the light of my knowledge and understanding of the relevant literature and was, therefore, already starting to make connections between the data, and the conceptual and theoretical underpinnings which support my study and are discussed in **Chapter 1**.

Each interview had been recorded on a hand-held digital voice recorder and the recording subsequently downloaded onto a computer and converted to an MP3 file, from which a transcript was produced. I sent each interview transcript by email to the participant for checking and invited them to let me know of any inaccuracies or anything they wanted to add. My impression was that on the whole participants did not spend much time on this; in places in each transcript I had usually had to flag things I wanted to double-check but it was rare that participants came back to me on any of these. This meant that the transcripts could not be perfected but this was probably an inevitable consequence of the time pressure felt by participants at the points at which I met them.

The first stage of more detailed data analysis involved my printing off the transcripts and reading them through, using coloured pens to mark what I thought might be significant issues. **Figure 2.3** is an example of this initial coding.

Figure 2-3 Example of initial coding

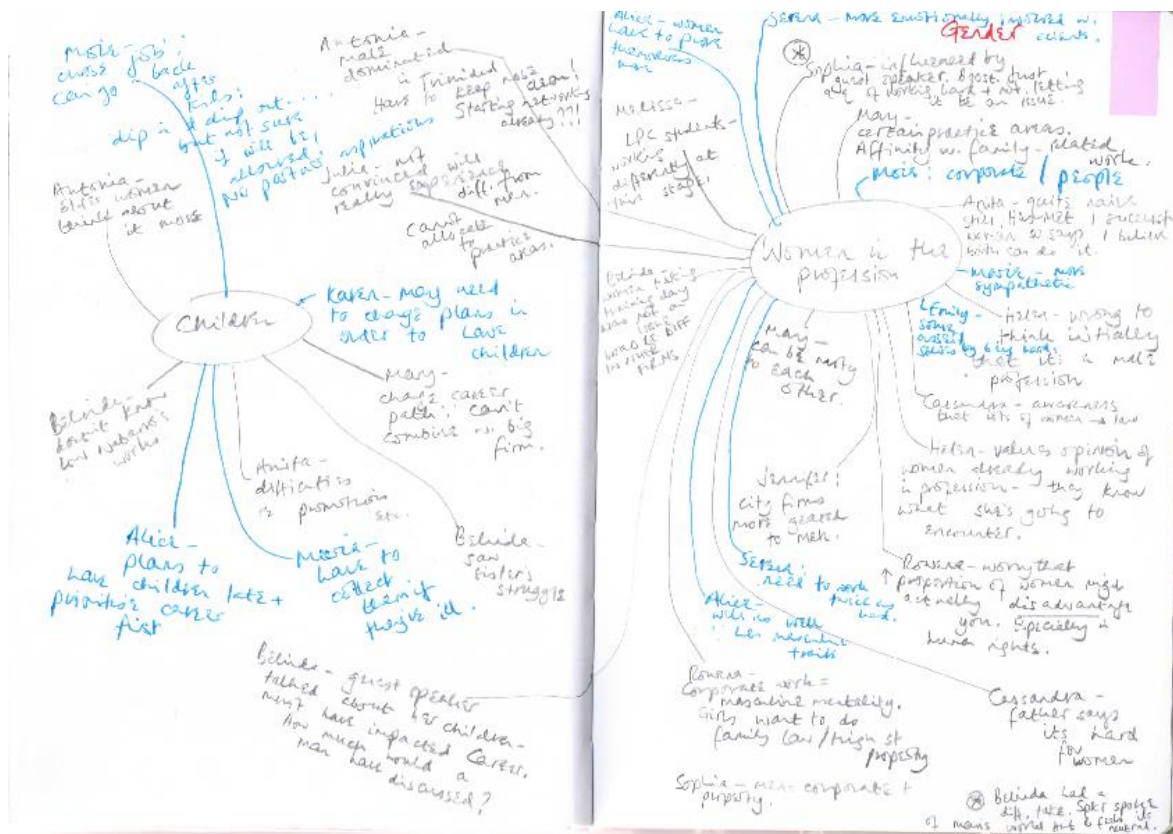


Coding and developing themes

I took an inductive approach to identification of themes within the interview data in that data were coded and themes identified with reference not to a theoretical framework but to the data themselves (Braun & Clarke, 2006). Subsequently, however, the initial themes I identified were refined with reference to the theoretical and conceptual underpinnings of my study (which is discussed in **Chapter 1**) so as to enable me to establish a set of themes which linked with my main research question.

An example of coding work I did in relation to issues of gender is reproduced at **Figure 2.4**.

Figure 2-4 Example of development of themes



The next step I took in my data analysis was to upload all the interview transcripts into a data analysis software package (I used NVivo). This helped me to manage the large amount of data I now had. I would argue that it also contributed to the rigour of my data analysis in that it allowed me to conduct some sort of search or check for recurring key words. For example, when I was reviewing the data with a view to finding out the extent to which participants mentioned money as a motivating factor I could do this easily and accurately by searching for key words within my NVivo project. I had to be careful, though, to make sure that I did not allow my use of NVivo to narrow too far the scope of my analysis (Silverman, 2010) and I found it useful from time to time to take a step back and look again at the transcripts as a whole. In this way, having used NVivo to search the transcripts for key words to do with money, I was able to identify a further example of

discussion of this sort of issue by a participant who had used the words 'standard of living' and whose discussion had not been picked up by my search within NVivo. At this stage of my data analysis I tried to make sure that my coding linked with my conceptual framework and to this end I found myself modifying my initial codes. In this way I was able to identify emerging themes. For example, in relation to issues of gender I was able to identify separate but related themes to do with participants' thoughts on the gendered nature of the profession and, separately, their thoughts on how women are treated when they have children.

2.7 Quality criteria

It is suggested that qualitative research work should be evaluated by asking whether it produces "*valid knowledge*" (Silverman, 2006, p. 275). Silverman considers the position of those (for example Agar, 1986) who argue that qualitative research findings should be accepted for what they are and that critical interrogation of the findings is not appropriate, but concludes that such an approach is not helpful, while others have argued that there is a danger that work which seems merely anecdotal may be judged lazy or imprecise (D. Davies & Dodd, 2002). If, then, qualitative work should be evaluated according to whether or not it produces "*valid knowledge*" (Silverman, 2006 p.275) it is necessary to apply some sort of criteria which allow us to make that evaluation.

Most writers accept therefore that there must be criteria for evaluating qualitative research. Although they do not all agree what the criteria should be and do not use uniform terminology it is possible to discern a general consensus that concepts of reliability and validity are useful as long as they are not understood in the same way as when they are used as criteria for quantitative research (Creswell, 2014;

Silverman, 2010). A discussion of what may or may not be suitable quality criteria for a particular research project is inextricably linked with the ontological and epistemological assumptions which underlie the design of the project, as described at **section 2.1** above; as Bryman (2008) explains, traditional concepts of reliability and validity assume that one single account version of reality is possible. Similarly, Whittemore, Chase & Mandle (2001) point out that although some sort of concept of validity may be useful in assessing qualitative research we should not assume that it will have the same meaning as in quantitative research because it is not sensible to apply the same criteria to “*contextual and subjective*” work as to “*generalizable and objective*” work (p.524).

Reliability and validity as traditional measures of research quality

Concepts of reliability and validity have traditionally been used to assess the quality of quantitative research. As the qualitative research paradigm developed, these concepts were applied by default to qualitative work too (Golafshani, 2003).

Reliability in a quantitative context has been defined (Joppe, 2000, cited in Golafshani, 2003) as:

“..the extent to which results are consistent over time and accurate representations of the total population under study is referred to as reliability and if the results of a study can be reproduced under a similar methodology, then the research instrument is considered to be reliable” (p. 598).

Validity has been defined (Joppe, 2000, cited in Golafshani, 2003) as follows:

“validity determines whether the research truly measures that which it was intended to measure or how truthful the research results are. In other words, does the research instrument allow you to ‘hit the bull’s eye’ of your research object?” (p. 599).

So, in quantitative research the validity of research is the extent to which measurement has been accurate.

Quality criteria in qualitative research

Hammersley (1992) argues that reliability is not a separate criteria for judging the quality of qualitative research but is in fact one of the features of validity. It is suggested that writers who place central importance on the role of the researcher and the researcher’s influence on the research process and findings cannot accept reliability as a criterion for assessing quality, since it focuses on methods and measures used, and the idea that identical methods and measures might be used on a separate occasion. In an interview situation, however, the researcher cannot be separated from the method used (they are part of the interview) and so measuring reliability in this way is senseless (Stenbacka, 2001). Creswell (2014) suggests that in a qualitative context reliability is about whether, across projects and researchers, the approach taken has been consistent. This is of course easier where all data have been collected by one researcher, as with my project, because it is not necessary to take steps like establishing a case study protocol for common use by all researchers (Yin, 2009) or cross-checking codes developed by different researchers (Gibbs, 2007). However, care and transparency may be shown by, for example, checking transcripts to make sure that mistakes have not been made (Gibbs, 2007) and being sure carefully to document the steps taken in

the project as clearly as possible (Yin, 2009). In light of these suggestions about qualitative reliability it is essential that this chapter not only provides a clear account of how the project was carried out but also an account which shows that the project was carried out with care.

Whittemore et al (2001) suggest a concept of validity which is less about the methods used and more about the application of critical standards to the work generally (including the way in which it is reported) so that work is produced which is “*sound, just and well-founded*” (dictionary definition used in Whittemore et al at p. 527). Creswell (2014) suggests that qualitative validity is ensured where the researcher “*checks for the accuracy of the findings by employing certain procedures*” (p. 201) which include procedures which I have used in this thesis, namely using thick description to describe findings, being clear about any bias on the part of the researcher and taking care to include data that contradict the general tenor of findings. The term *thick description* is linked with the work of Geertz (1973) and, in line with Ponterotto’s analysis of its meaning and proper use (2006), I use it here to denote an interpretive approach to description and discussion of the data which aims to produce work which combines the voices and lived experiences of participants with my interpretation of them.

Alternative quality criteria for qualitative research

Whittemore et al., drawing on work by, amongst others, Guba and Lincoln (1989) and Maxwell (1992) suggest that it is necessary to be flexible in applying quality criteria because it is probably not possible to find a set of criteria which can be applied to all qualitative research, especially in view of the many different methods used. They further propose that each piece of research should make explicit the

criteria on which it is based (2001). Indeed, the Government's Framework for Assessing Research Evidence (Spencer et al., 2003) adopts a position which is consistent with this suggestion and states that it has not been deemed possible to compile a set list of criteria (mainly because of the many different methods used in qualitative research) but that:

“formalised criteria should avoid being rigidly procedural and over-prescriptive.....to aid informed judgment, not mechanistic rule-following”
(p.4).

In conclusion, then, there appears to be a range of opinions on what the quality criteria for qualitative research should be, with a recurring emphasis on good research practice and methodological carefulness. It is generally accepted that the application of positivist or quantitative concepts of reliability and validity to qualitative research is not appropriate, although a number of authors make use of adapted versions of these criteria. My own position is that the terms are useful when used in the ways suggested above when carrying out qualitative research but that it is probably necessary, when assessing the quality of qualitative research, to seek to assess the project as a whole by asking whether it is:

“contributory in advancing wider knowledge or understanding....defensible in design by providing a research strategy that can address the evaluative questions posed.....rigorous (sic) in conduct.....[and] credible in claim.”
(Spencer et al., 2003, p. 7).

Generalisability

As explained in **Chapter 1**, we should not expect findings from this sort of study, involving the collection of qualitative data, to be generalisable in any traditional sense; that is, we should not expect them to be generalisable “*to individuals, sites or places outside of those under study*” (Creswell, 2014 p.203). Rather, we should see the value of this sort of research as being in the provision of “*exemplary knowledge*” (G. Thomas, 2011, p. 33) which may be of use to those in similar situations (Schofield, 1993).

2.8 Ethical considerations

In broad terms it may be useful at a general level to think of ethicality as behaviour which is right and appropriate in social research (Babbie, 2002). Mcauley describes ethical social research as comprising a relationship between researcher and participants where both benefit from the research exercise and where useful results are obtained (2003). Silverman (2010, pp. 153-154) lists the most ‘prominent’ general ethical principles as “*voluntary participation and the right to withdraw*”, “*protection of research participants*”, “*assessment of potential benefits and risks to participants*”, “*obtaining informed consent*” and “*not doing harm*”, the last of which must also require consideration of the effect of the research on those not directly involved in it. Silverman’s list implies that ethical research must take into account the effect of the research not only on participants but also on those who are not directly involved in the research. At a basic level, Iphofen and Tolich suggest (2018) that a researcher should first ask themselves whether the research is really necessary. In the specific context of this project, the Socio-Legal Studies Association’s Statement of Principles of Ethical Research Practice emphasises the

importance of integrity and quality in conducting research and of collegiality amongst researchers (SLSA, 2009). There is, then, a clear sense in which first, ethical research practice goes beyond adherence to a list of principles and second, it is necessary to consider the effect of the research upon anyone who may be affected, not just upon participants. In turn, it follows that obtaining institutional approval for one's research does not guarantee that it will be ethical (Israel & Hay, 2006). Institutional approval may enable the researcher to clear the hurdle of what Floyd and Arthur (2012) call 'external ethical engagement' but the hurdle of 'internal ethical engagement' is one which must be constantly in mind, and repeatedly negotiated.

Of particular relevance in the context of this study were the generally accepted principles that research should not cause harm to participants and that the privacy and confidentiality of participants should be maintained (Silverman, 2010). These seemed to be the ones most likely to cause difficulty with this kind of project, particularly the issues of privacy and confidentiality in the context of my initial study, given that this was conducted at the institution at which I was teaching at the time (Trowler, 2011). Before discussing the significance of these principles it is necessary also to mention issues of insider research.

Insider research

My initial study constituted what is referred to as 'insider research' which is a term often used to denote projects where the researcher looks at an institution where they work or study (Trowler, 2011). Cownie (2004) when interviewing legal academics, suggested that an element of 'insiderness' came from the fact that she was speaking to people who did similar jobs to her and that she did not, therefore,

need to learn new terminology or “*jargon*” (p.23). In all of my interviews I had the advantage of understanding the jargon which is common to LPC courses generally and during the initial study I also, of course, understood institution-specific jargon. In short, my project involved an element of ‘insiderness’ in that in the initial stages of the project I interviewed students in my own institution in line with Trowler’s brief definition of insider research (2011) but in addition to this the ‘insiderness’ of the whole project, both at my own and other institutions, must also be borne in mind.

Harm to participants

The issue of harm to participants merits consideration for two main reasons.

Firstly, the interview experience may cause upset to interviewees (Corbin & Morse, 2003; Norris, 1991). Secondly, the interview setting may create power imbalances (Kvale, 2007).

Interviewing might cause harm to participants in that the interview process may have emotional consequences for the interviewee where personal or sensitive issues are being discussed (Corbin & Morse, 2003). In my interviews I asked students about some personal issues such as whether they felt they would ‘fit in’ in a law firm and what their experience of looking for jobs has been. Given that the interviews relate to students’ developing professional identities and future career plans and aspirations, it is perhaps possible that interviewees might feel a degree of unease if encouraged to reflect, for example, on the fact that after completing the LPC they had realised that they did not enjoy standing up in court and would therefore need to re-think their plan to become a solicitor-advocate.

However, it is also argued that interviewing may in fact have a positive, quasi-therapeutic overall effect on the interviewee where sensitive issues are discussed

(Birch & Miller, 2000; Hutchinson, Wilson, & Wilson, 1994; Ortiz, 2001). It is the view of Corbin and Morse (2003) that being interviewed about sensitive or personal issues causes no more harm to participants than would the normal conduct of their daily lives. When preparing for the initial stage of my study I therefore concluded that discussion of the issues to be covered in the interviews was unlikely to cause upset to participants. Indeed, one of the participants in my initial study did comment that she had found that the interview had provided her with an opportunity to reflect on her experience of the LPC and on her future plans.

It is suggested that even where an interview does not cause immediate upset, harm may be caused where interview dialogues constitute unethical exercises of power and where the interviewer pretends to form a friendship or create intimacy with the interviewer so as to persuade them to divulge personal or sensitive information (Kvale, 2006). I had to consider this possibility and to weigh it against the view expressed by Davies and Dodd (2002) that creating an atmosphere of intimacy in the interview setting was helpful to interviewees. My interviews may have given students an opportunity to discuss personal issues and this meant that I had to be mindful of the possibility of the type of harm described by Kvale (2006) whilst being sensitive to the need to create as relaxed an atmosphere as possible for interviewees.

It is quite possible that during the interview my position as someone older (usually, but not always) than the interviewees who also (always) had more legal experience and qualifications than them may have created the sort of unbalanced relationship envisaged by Kvale. That relationship may have been particularly unbalanced when interviewing students from my own institution who knew that I

was an LPC lecturer from ‘their’ LPC. This might have affected the willingness of those students to participate in the study and also the nature of the data obtained during the interviews. Although, when I recruited students from my own institution, it is conceivable that they may have felt pressure to agree to participate, I would argue that every attempt possible was made to ensure that this did not happen. Students were recruited by putting hard copy invitation letters in their pigeonhole. These letters explained the scope and purpose of the project and made it clear that a student’s decision whether or not to participate would have no bearing on their marks for the course. I do not, therefore, feel that issues of informed consent were particularly significant. However, the issue of access/informed consent might have been much more significant had I been seeking to carry out research in a specifically cross-cultural context where factors relevant to a decision to get involved in research might include a feeling of obligation “*to oblige, to obey some one [sic]*” (Shah, 2004, p. 557). What may be less easy to deal with is the significance of the lecturer/student relationship for the sort of data to be obtained during the interview and the possibility that students were more inclined to tell me certain things because they thought those things were what I wanted to hear.

Privacy and confidentiality

It is generally accepted that private data which might enable a reader to identify interviewees should not be reported (Kvale, 2007). Research projects of this nature should focus on the perceptions and experiences of the interviewees, who need not be identified (Boschma, Yonge, & Mychajlunow, 2003). It was important to consider these issues in my research because, particularly in my initial study, I planned to interview only a relatively small number of students and interviews

would involve questions about things like their background and education and their employment plans after they completed the course. In some cases such data might, if published, enable an individual to be identified, especially in the case of students from my own institution, so it has been important to pay careful attention to issues of confidentiality and anonymity.

Trowler (2011) argues that a researcher who has been researching their own institution is faced with the dilemma of either admitting that they are carrying out research at their own institution (so making the institution easy to identify) or not mentioning that the research is insider research, in which case the methodology cannot be fully described and discussed, so making the research process less transparent. This might have significant consequences for readers' assessments of the quality of the research. Trowler (2011) concludes that it is sensible to accept that any reader who wants to work out which institution has been researched will find a way to do so and that therefore researchers should concentrate instead on making sure that individuals cannot be identified. I have taken care to do this.

The institutional approval process

There is a substantial body of literature which discusses the institutional approval process, mainly with academic institutions in mind, and much of it written from a Canadian/US perspective (see, for example, Dingwall, 2007; Haggerty, 2004; Hoonaard, 2001; Lincoln & Tierney, 2004). It expresses a concern that institutional review bodies ('IRBs') may sometimes make it difficult for researchers to carry out qualitative studies in the way they would like. This may be because they are wary of methods, such as those used in ethnographic studies, which are seen as being risky (Dingwall, 2007); because the IRB concerned wishes to protect the institution

from litigation or criticism (Lincoln & Tierney, 2004); or because they tend to think of research from a scientific point of view (Dingwall, 2007; Lincoln & Tierney, 2004; Tolich, 2016) and so are not well-equipped to reflect on the risks, possible harm, terminology or methods which may be involved in qualitative studies. For myself, I found the institutional approval process straightforward but I did have to deal with concerns related to confidentiality, which are described in the following paragraphs.

I had to obtain ethical approval for the full project both from Keele University and from my own institution, where the initial study was carried out. I decided to seek approval first for the initial study from my own institution and then to seek approval from Keele for the whole study.

Approval for the initial study was obtained from my institution on the basis that documents in the form approved by its research ethics committee would be used. I had been required to submit drafts of my proposed letter of invitation to participants, project information sheet, consent form and interview schedules, as well as a form summarising the proposed project and its perceived risks. The research ethics committee had required several amendments to the form of documents and suggested procedure I submitted. Some were minor in nature. I have already mentioned that I was not allowed to send project invitation letters by email but was required instead to send out hard copies. This was not too much of a problem except that it may have limited the number of responses I received. More significantly, I was required to amend the consent form for the initial study in order to specify that it may not be possible to guarantee anonymity to participants because of the small sample size used. It was easy to make the amendment to the consent form and it did not appear to cause concern for any of the participants in

the initial study. Nonetheless, this amendment may perhaps be seen as example of a situation in which the institutional approval process provides a solution (the inclusion of the point in the consent form) to a problem which may never arise (the problem of maintaining confidentiality and anonymity when publishing data). It was important that, in spite of the warning issued to participants in the consent form, I continued to make every possible effort to guarantee anonymity and did not see myself as having been relieved of that obligation.

The next stage in assuring institutional ethical confirmation was to seek approval from Keele for the whole study. Preparing draft documentation for submission to the University's research ethics committee was a complicated process because it was necessary to submit two sets of documents. One set was for the initial study at my institution, which had already been approved and so could not be altered. The other set was for the full study, which might need to be altered in the light of comments from the Keele committee.

Ethical approval was successfully obtained from both institutions. Copies of the approved invitation letter, project information sheet and consent form are at **Appendix 4** in relation to the initial study at institution A and at **Appendix 5** for the full study. Copies of the letters of approval from both universities' research ethics committees are at **Appendix 6**.

2.9 Limitations

In this chapter I have explained my methodological approach and my reasons for choosing it. In order to demonstrate the care I have taken in making my methodological decisions (Davies & Dodd, 2002), though, I must also address some of the criticisms that might be made of this aspect of my study.

When carrying out the interviews I tried to guard against the possibility that the nature of the data obtained might be affected by the existence of an imbalance of power (Kvale, 2007). At **section 2.8** above I have dealt with the power-related ethical issues which arise in the context of the study but it is also necessary to accept (particularly in relation to the initial study, which was carried out at my own institution) that an imbalance of power may also affect the nature of the data obtained in that participants might feel an obligation to answer questions in a certain way (Shah, 2004). I did, however, try to avoid this by using open questioning whenever possible and by emphasising to participants at the beginning of the interview that I wanted to hear their honest views and reflections and that the interview data would be less helpful to me if, instead of giving these, they instead said only what they thought they ought to say.

It is also necessary to acknowledge the element of 'insiderness' (discussed in more detail at **section 2.8** above) in this study and the implications this may have for the data obtained. I would argue that it is impossible to avoid the effects of 'insiderness' but that those effects will have been most pronounced in the initial study and of less concern in the full study where I deliberately told participants very little about my involvement with the LPC. It may be, then, that in the interviews in the initial study the quality of the data I obtained was affected. Hoong Sin describes a project where he interviewed an elderly Chinese man and found that their shared ethnicity meant that the interviewee did not always describe issues to him in detail because he assumed that he understood them already. He tended instead to say things like "*you would know this*" (2003, p. 310). Other scholars have also discussed the importance of the 'match' between interviewer and interviewee and how it may affect the data given in the interview, and

concluded that differences in ethnicity and gender may lead to the generation of richer, more detailed interview data (Vincent & Warren, 2001). Sharing (at least) gender and professional training (and often ethnicity) with my interviewees may therefore have had disadvantages for me although I tried to be careful always to ask them to explain their answers fully rather than assume that I knew what they meant.

Finally, the fact that my own time and that of the participants was limited had implications for the conduct of the study. First, it was not practical to seek to interview participants more than twice in the course of the (roughly) nine months of the LPC. A set of interviews carried out at the mid-point of the course might very well have yielded useful data in relation to participants' reflections on the course at that stage. However, to do this across the three provider sites would have been extremely difficult for me in the middle of the academic year because of the demands of my own job and I also felt that it would have been asking too much of participants.

In relation to the interviews which were carried out, I have mentioned that it was often the case that participants had only a limited amount of time to spare, and this may have meant that they gave hastily-considered answers and opinions (Myers & Newman, 2007). I did, however, try to ensure that the information they gave me represented their considered opinions by asking them to reflect on the interview transcript after it had been written up and to let me know if they had any further thoughts or observations. It was also possible in the full study to encourage reflection by asking participants before their second interview to review the transcript of their first interview and to think, before our second meeting, about whether any of the views expressed in the first interview had changed during the

course. Nonetheless, a limitation of this study is that, because of participants' other commitments, interviews were sometimes carried out in situations where time was limited.

2.10 Conclusions

In this chapter I have explained the methodological decisions I made throughout the course of this study. The study aims to investigate the significance of vocational legal education as a site of professional identity formation and in this chapter I have sought to show that my decision to take a social constructivist, interpretivist stance, and to collect qualitative data using semi-structured interviews, was appropriate to the issues I wanted to investigate. As Flick explains:

“the object under study is the determining factor for choosing a method.....qualitative research’s central criteria depend on whether....the methods are appropriately selected and applied” (2006, p. 15).

I have also explained how I recruited participants for my study, how the interviews were conducted and how the interview data were analysed. I have finally discussed the quality criteria for a study of this sort, the ethical issues which arise in the context of this study and the limitations of my methodology and in doing so aim to demonstrate that I have striven at all times to research in a way which is reflexive and which involves looking at the research process as an intellectual one (Alvesson & Skoldberg, 2000).

In the next chapter I discuss the data obtained which related to the extent and nature of participants' professional identities at the beginning of the LPC and which contributes to the answer to the sub-question:

How does the significance of the vocational professional training process vary between female students from different class backgrounds?

Chapter 3 - Student identities and polarity at the beginning of the LPC: stories of privilege and ‘outsiderness’

I went to [Oxbridge] to do Law, for three years and, after that I stayed on another year to do an LLM in Commercial Law. And I do have a training contract, with (firm), that I’m starting in September 2014. My mother did Law at [University], and practised as a solicitor....and then after she had children she then started teaching Law..... (Melissa, t/c, institution D)

I’m the first to go into law. My mum and dad haven’t [got university degrees]my mum is a nurse and my dad’s something to do with building. I haven’t [got a training contract] at the moment, no. I really should try! (Linda, no t/c, institution C).

This chapter contributes to the answer to the sub-question:

How does the significance of the vocational professional training process vary between female students from different class backgrounds?

To begin to address the sub-question it was necessary first to find out participants’ positions as they began the LPC. It was only by having an idea of this starting point that it was then possible to determine what happens during the VPT process. This chapter, therefore, seeks to establish that starting point. It describes the varied nature of participants’ professional identities at the beginning of the LPC. It draws out the significance of the differences between participants and highlights their disparate needs in terms of professional identity formation and explores in

particular some of the striking differences which appeared to exist between those who did and did not have training contracts.

The differences between those who did and those who did not have training contracts were a recurring feature of the data and so in this chapter and the data analysis and discussion chapters which follow (**Chapters 4,5 and 6**) a distinction is made from the outset between participants who did and did not have training contracts at the start of the course. The distinction has informed the structure of these chapters and serves to highlight the powerful effect that class differences appeared so far to have had on participants' ability to accumulate the types of social and cultural capital which are valued in the field of the solicitors' profession in England and Wales. Those from more privileged backgrounds often already possessed high levels of cultural capital which gave them "*a sense of understanding and belonging*" and which enabled them to see those with lesser amounts of cultural capital as outsiders (C. Burke, 2016, p. 14).

I suggested in **Chapter 1** that when considering how VPT might contribute to a resolution of the significant inequalities which persist within the profession, and which are the main focus of this study, it is helpful to think about professional identity formation as involving two separate but overlapping aspects of professional identity: *outward-facing* and *inner/personal*. I do not seek to suggest that these two aspects together encompass every possible aspect of a woman's legal professional identity. Rather, they each provide a useful focus or emphasis for thinking about the two inequalities identified in **Chapter 1**: first, access to the profession for non-traditional applicants and second, the position of women within the profession. This chapter looks at participants' professional identities in relation to these two issues.

There appeared to be striking differences in the state of participants' professional identities at the beginning of the LPC, depending on whether they had a training contract or not. In turn, it was noticeable that most participants who had training contracts in England and Wales appeared to come from more privileged class backgrounds and to have successfully developed the required normative professional identity. Those without were much more likely to be encumbered with negative cultural capital such as (and sometimes a combination of) a degree from a post-92 university, a degree class lower than 2:1, or a less privileged class background. They were also less likely to have been able to accumulate capital which *would* be valued. These two different groups, therefore, were at the start of the LPC in different positions in relation to the professional field.

Chapter 2 explains the methodological decisions I made and in particular my decision to collect data using semi-structured interviews. Because students in the initial study at institution A were interviewed towards the *end* of their LPC, the data they provided are not discussed here because it is not relevant to participants' positions *at the beginning* of the LPC. Those data are, however, discussed in **Chapters 4, 5 and 6** in the context of the longitudinal data obtained. In this Chapter, I discuss the positions at the beginning of the LPC of the 14 participants in the full study.

3.1 Participant backgrounds

The table in **Chapter 2** (see **Table 2.2**) provides a summary of some of the basic biographical information obtained about all participants (including those in the initial study) during the interviews. The 14 participants in the full study came from a variety of backgrounds. So far as parental background was concerned, ten of the

14 participants were from families where one or both parents had been educated to degree level and/or worked in professional jobs which might fall within NS-SEC classes 1-3 (see Office for National Statistics Guidance on SOC2010). Shirley's father, for example, had not been to university but had studied for and obtained professional qualifications as an architect; Sophia's father had not been to university but ran a successful business. The other four came from a range of class backgrounds; two (Miranda and Antonia) were from Trinidad and were not from wealthy families and the remaining two (Helen and Linda) had parents whose occupations were likely to fall within NS-SEC classes 4-7. Helen (even though not asked to do so) identified herself as coming from a working-class family.

Seven of the participants had been to fee-paying schools, and one to a state grammar school. Eight had studied for their undergraduate degree at a UK, pre-1992 university and of those eight, six had studied at Oxbridge. Three had studied at UK post-92 universities. One was from another EU country, had been to university there and had originally moved to the UK to study the GDL, and two had studied via a UK university's part-time, distance learning provision. None of the participants in the full study had a first-class degree, but eight had 2:1s.

Three of the participants had familial connections to the solicitors' profession; Cassandra had a parent who was a partner in a large law firm, Melissa's mother had practised as a solicitor, and Sophia's sister was a trainee solicitor. Most participants had at least a very small amount of legal work experience, except for two (Anita and Antonia), who did not have any UK experience.

3.2 Participants with training contracts

At the beginning of the course five students in the full study had training contracts in England and Wales (one more student, Miranda, had an equivalent (*an attachment*) at a firm in Trinidad where she had worked for some years). All five were from more privileged class backgrounds in that one or both parents had been to university or owned businesses and so could notionally be placed in NS-SEC classes 1-3 (see Office for National Statistics Guidance on SOC2010). Cassandra, Melissa and Shirley had been privately educated. Cassandra and Melissa also each had one parent who was (or had been) a solicitor. **Table 2.2** shows that each of the five had been to either Oxbridge or other pre-92 universities (Russell Group in these instances). None of these five participants was from an ethnic minority group.

Of the five students mentioned above, three had been required by their training firm to study the LPC at a particular institution and were, moreover, embarking on a 'firm-specific' LPC which involved being taught in firm-specific groups for at least part of the year, sometimes from firm-specific documents. One other student had been told by her firm which of the optional topics she should study in the latter part of the course.

Having established this context, it is possible to go further and to explore what the data in this study suggest was the state of these participants' legal professional identities at the beginning of the course.

Accessing the profession

So far as entry into the profession is concerned, the data on participants who had training contracts at the start of the LPC are consistent with a Bourdieusian analysis of the legal profession as a field within which structure and agency are both at play and in which certain forms of capital, notably those forms of cultural and social associated with distinction, are valued (Bourdieu, 1984). It is what might be expected in light of what the literature already tells us about access to the profession, which is that firms' tendency to recruit a certain 'type' of person at graduate entry stage tends still to exclude those from non-traditional backgrounds, particularly in terms of class, ethnicity, and education (Francis, 2011; Sommerlad, 2007, 2012a). Indeed, Sommerlad suggests that the concept of merit in the solicitors' profession is inscribed with "*subjective, hierarchically based social bias*" (2015, p. 2347) which has the effect of reinforcing the classed and gendered nature of the profession. Such merit, moreover, is likely to be decided by 'elite' firms (Cook, Faulconbridge, & Muzio, 2009; Sommerlad, 2012a) in particular, because these firms' own recruitment practices ensure that "*certain notions of what defines a 'professional' are legitimated and reproduced*" (Cook et al., 2009, p. 3). By virtue of their size and resources, large firms (which tend to be commercially-oriented) dominate processes of recruitment and training within the solicitors' profession (Francis & Sommerlad, 2009).

So, for aspiring entrants to the profession, it would seem necessary to display a professional identity which is deemed meritorious, not only in terms of the formal credentials possessed, such as A-level grades, having attended a pre-92 university and having gained vacation placements and early work experience (Francis, 2011) but also by demonstrating an appreciation of the required

“repertoire of personal conduct and characteristics” (Sommerlad, 2012a, p. 2499)

so that professional culture is demonstrated unconsciously in the form of a system of dispositions (Bourdieu, 1977). Legal work experience plays a crucial part in enabling students to develop this suitable habitus (Ching, 2015; Francis, 2011, 2015; Francis & Sommerlad, 2009) and so is crucial in several ways to development of the right *outward-facing* aspect of professional identity.

The experience of and significance of getting a training contract

As these participants had already obtained training contracts, it makes sense to assume that they had, during the recruitment process, been able to display the required sort of *outward-facing* professional identity. In this sense, then, the initial stages of this aspect of professional identity formation had been successfully negotiated and they had some sense that they were what a law firm wants. When asked: what is it about you that a law firm might value? If there is anything you lack, what is it, and can you do anything about it? some participants felt there was not much of significance and so were able to go on to think about how the *outward-facing* aspect of their identity might be finessed:

it sounds really big-headed but I don't, I don't think there's anything specific, I think my commercial awareness probably could do with being developed, definitely, and I think that's quite hard to get when again when you are not actually in the game (Belinda, t/c, institution D)

I really don't think there would be any gaps actually. And, yeah, it would be difficult to think of anything else they could ask for... I mean, maybe some sort of actual commercial experience. I've known people who've gone into solicitors' firms having run their own business, that would be useful; so

maybe some more of a commercial aspect, but I can't really think of anything else, to be honest (Melissa, t/c, institution D).

These five participants' experiences of applying for training contracts had been broadly similar. Cassandra and Melissa both had contracts with (and had only applied to) the only firm with which they had had work experience. Julia had obtained hers after making only eight applications. Belinda, too, had had little difficulty (she had got her training contract after only two interviews). For Shirley, the process of getting a training contract had been a little more difficult; she estimated that she had made '*more than 20*' applications, many during her GDL year. At that stage she had been fairly successful at getting to the interview stage (which in itself requires demonstration of the right sort of *outward-facing* identity) but felt that she had lacked confidence and therefore had not performed as well as she might at interview. After getting a distinction on the GDL she took a year out, carried on applying for training contracts and was successful. She identified that experience of the recruitment process had helped to build her confidence and to teach her how to play the 'game' of successful interviewing.

In several cases participants' paths to a training contract, had been made easier because they had the social capital (Bourdieu & Wacquant, 1992) needed to form effective networks and make and exploit contacts, which had led on to work experience. For Melissa, and Cassandra, contacts made at Oxbridge were extremely useful. Both described the way in which elite firms (particularly Magic Circle firms) visited their university and 'courted' students, for example by taking them out to dinner. Shirley also mentioned the usefulness of firm visits to her Russell Group university and recognised the opportunity it had given her not only

to make connections but also, through exposure to legal professionals, to continue the strategic project (King, 2000) of developing her habitus into that of a solicitor.

Melissa has also forged links with these firms by getting involved in the student Law Society and, when she eventually decided that she wanted to be a solicitor rather than a barrister, got work experience simply by emailing a firm with which she had links and asking for their help. She was offered work experience very quickly by the firm with which she later got a training contract and felt that

I think [firm] wanted to get me in before anywhere else offered me something (Melissa, t/c, institution D).

In this sense their experiences of the recruitment process had not been at all troublesome and their path had been eased by “*heuristic biases in favour of the familiar and the similar*” (Francis & Sommerlad, 2009, p. 64). Here too the influence of larger commercial firms might be detected; Belinda commented that these opportunities for networking while at university came mainly from commercial firms:

it is quite a big corporate commercial push that happens.....that's what happens from the firms coming and hosting events and those types of things (Belinda, t/c, institution D).

In this sense, the easiest path for these participants may well have been to follow the commercial route; they had been courted by large commercial firms with the resources to visit universities and offer work experience which smaller and non-commercial firms do not have (Francis, 2015).

Gender and its implications

What was perhaps missing from these participants' reflections on the *outward-facing* aspect of their professional identity and how it might relate to access to the profession, however, was any significant discussion of gender. Their stories of their successes so far were gender-neutral and there was no indication that, so far, being female had been experienced by *them* as a disadvantage. This may be consistent with what the literature suggests; women can enter the profession easily enough (Bolton & Muzio, 2008) and it is only once granted entry that they may find their field position is significantly different because they are encumbered by the "*negative cultural capital*" (Sommerlad, 2007, p. 212) associated with being female. It is true that generally "*large city law firms undertaking the highest paying legal work are dominated by [white] men*" (Aulakh et al., 2017). However, for these participants there did not seem to have been an obvious problem and this no doubt reflects the fact that it is only later in their careers (at partnership stage) that women are disadvantaged (see for example the statistics on women in partnership positions in large city law firms in Aulakh et al., 2017).

There was among participants some recognition that firms might have their own culture relating to gender and that some might therefore feel more gendered than others. Cassandra and Melissa, however, both said that they did not perceive a hegemonic masculinity in their own firms. For Cassandra, this was because her own firm had "*a good number*" of women and woman partners. She compared it with another City firm where she had learned that in a recent trainee intake of 30 there had been only three women. So, these participants' perceptions were that patterns varied between firms and it is important to remember that even within certain sectors the picture may be more complicated than statistics suggest. The

data do suggest therefore some appreciation of the nuances which may exist across the profession (Sommerlad, 2002) and perhaps contrast with the rather more straightforward views expressed by some participants who did not yet have significant amounts of work experience or a training contract (see **section 3.2** below). Nonetheless, it seemed that these participants had been able to demonstrate professional identities which, because of the distinction conferred by their educational and social background, were sufficiently normative that the disadvantage conferred by their own gender was eclipsed; as Dillabough (2004) points out, the field position occupied by women in a male-dominated social field will vary in accordance with their social class. There was no clear sign that participants felt the need to act in a gendered way in spite of what the literature suggests is a particularly acute hegemonic masculinity within the commercial sector (Tomlinson et al., 2013). They may, however, as McGlynn suggests does happen to women within the profession (1998) simply have been unable to recognise the masculine nature of some of the characteristics and qualities they were required to display.

By the beginning of the LPC, then, these participants had successfully demonstrated the required *outward-facing* aspect of their professional identities. The significance of this, and of the state of the *inner/personal* aspect of their professional identities, will now be discussed in the light of the second inequality discussed in **Chapter 1**: the position of women within the profession.

Being a member of the profession

I suggest that, for women who have successfully gained entry to the profession by securing a training contract, the two inequalities which are the focus of this study may continue to have relevance in two important ways.

Firstly, I suggest that once in practice they may in the course of their career experience “*identity dissonance*” (Yang Costello, 2005, p. 33), partly a result of their position as women in a hegemonically masculine profession and partly as a consequence of their relatively privileged class position which has enabled them to form the *outward-facing* aspect of professional identity fairly quickly and easily, which therefore may have meant they did not have space to reflect on the *inner/personal* aspect of their identities and on their position as members not just of a particular firm or sector but as members of the wider solicitors’ profession.

Secondly, as members of the profession they may, as their careers develop, and as a consequence of their class position which intersects with gender in such a way as to mitigate the disadvantages of being female, be in a strong enough field position to engage in “*institutional entrepreneurship*” (Battilana, 2006, p. 253) and so play some part in alleviating both inequalities. In relation to both, it is necessary to recognise the significance of the *inner/personal* aspect of professional identity.

The *inner/personal* aspect of a woman’s professional identity links strongly with her personal identity. In order to avoid the “*nagging discomfort*” (Yang Costello, 2005, p. 33) caused by a mismatch between personal and professional identity it is important that the values which make up the *inner/personal* aspect of a woman’s professional identity are not only cohesive with her personal identity but also with the *outward-facing* aspect of her professional identity. This cohesion allows her to

behave in a way which is authentic (Hitlin, 2003; Webb, 2002). In Bourdieusian terms, identity dissonance is most likely to be avoided “*where there is a clear affinity between [a woman’s] dispositional conduct and [her] position within the field*” (Sweetman, 2003, p. 533). Where there is no such affinity then she might expect that symbolic violence (Bourdieu & Wacquant, 1992) would be deployed by the structures of the field in order to bring her professional identity more in line with the hegemonic identity of that field (see Cook et al. (2009) for a discussion of how symbolic violence could be exercised by law firms in relation to the professional identities of their graduate recruits).

For all participants in this study it would be expected that gender would be a highly significant aspect of professional identity because it seems clear that in a gendered profession which valorises the masculine, being female is likely to lead to identity dissonance (Haynes, 2012). Even more problematic may be the idea that in spite of an individual’s power reflexively to change or adapt aspects of her identity, gender is something we can do little about because of its embodied and emotional characteristics (McNay, 1999). When dissonance does occur, it may be dealt with in several different ways including assimilation, leaving the profession and, sometimes, bringing about change within the profession (Tomlinson et al., 2013). In the following section, the data are discussed with these issues in mind.

Firm-specific LPC arrangements and other firm-related alignments

Participants who had training contracts in England and Wales had, at the beginning of the LPC, also appeared to have developed professional identities which were significantly influenced by their firm.

Of these, the LPC experiences of Shirley, Julia and Belinda (despite having some experience of other firms) were, arguably, destined to be narrower and much more closely related to their training firm (all three were going to the same firm) than those of Cassandra, Melissa and Miranda. This was because, for stage 2 of the LPC they had had no choice as to their three elective subjects and, moreover, were to study one module (city finance) which had been specially designed by their training firm. They were also to be taught in a firm-specific group. Belinda commented of the specially-designed module that:

I think some of the debt finance stuff, some of the advanced business [is] kind of moulded by [firm] because obviously they are a bit corporate, [but] their main emphasis being [practice area], I think, they wanted the corporate aspect, to actually fit more with what they do, which is kind of the finance side of things. So they've kind of modelled it to feed more directly into what they do (Belinda, t/c, institution D).

This was, then, a very clear example of the way in which Belinda's training firm was destined to affect the nature of her LPC experience and what she was taught, and shows that she understood that influence.

In addition to firm-related arrangements being made for these students on the LPC itself there were also plans for them to attend several in-house training sessions (such as a drafting day) during the course of the LPC year. Amongst LPC staff at their institution there was also a designated 'link' tutor who would liaise with their firm. Cassandra and Melissa had similar 'link' arrangements in place.

It may be that early alliance with a particular firm influences professional identity development in that it encourages students to think of themselves as being trained

to work in a particular business, not to be a member of a wider profession (see Ching, 2015). When describing factors that were relevant to a firm's choice of trainee, Belinda used particularly organisationally-oriented language, even though to an extent she was describing things (clarity and being concise) which would matter to *any* firm:

it has to be somebody who is going to fit with the ethos of the firm, feel like they can work with how the house style works [and] kind of generally goes with the brand of the firm. I know a lot of what [firm's] kind of style is; clarity matters, being very clear, very concise, breaking things down (Belinda, t/c, institution D).

Firm-related alignments had also come about in another way; three of the participants in this group had experience of only one law firm. Cassandra, Melissa and Julia had all gained training contracts with the only firm in which they had worked and it was clear that they did not know much about other firms. Julia and Melissa, in fact, had originally intended to become barristers and initially saw their work experience in solicitors' firms as a way of 'ticking the box' and making sure that the Bar was for them. As a result, Julia commented that

I don't know much about solicitors' firms (Julia, t/c, institution D)

and Melissa felt that her decision to become a solicitor instead of a barrister

might have been more about the firm than being a solicitor generally; I'm not sure (Melissa, t/c, institution D).

These two students had had very limited exposure to the wider profession and perhaps even had limited interest at this stage. Again, there may have been a

sense in which acquiring a training contract before the beginning of the LPC had affected these participants' perceptions of what they were to become; they knew exactly where they were going and were training for that destination and, as a result, did not have much of a sense that they were training to be part of a wider profession (Ching et al., 2015). This was even suggested by the language used by Melissa and Belinda when talking about their firms. When asked what sort of work her training firm did, Melissa replied:

we mainly do corporate work, finance, a little bit of tax and competition but it's mainly corporate work... (Melissa, t/c, institution D).

Her use of the word 'we' suggests strongly that she saw herself at this stage as part of the firm. In the same way, Belinda already felt a strong alignment with the firm and talked about the time to come '*when I'm in [firm name], working as a solicitor*' (Belinda, t/c, institution D) with some certainty.

Although the LPC had only just begun, then, the data are in line with Faulconbridge and Muzio's assertion that

"legal education is increasingly being captured by large organizations which are rearticulating its structure and content around their own strategic priorities" (2009, p. 1349),

and with Faulconbridge's argument that

"tailored LPC legal education becomes very much a preparatory stage for firm life as well as a requirement for entry into the legal profession" (2012, p. 2655).

In this way, these participants had, very early in their career, a strong sense that they were to be trained in a “*situated, City-specific*” way (Faulconbridge & Hall, 2014, p. 1682) and in this sense their professional identities were organisational in nature (Burke Robertson, 2011). Later chapters discuss the implications of this for these participants’ expectations and later experiences of the LPC.

Reasons for and reflections on career choices so far

Four of the five participants who already had training contracts in England and Wales were going to commercial firms and what they said about their reasons for wanting to be a solicitor and for wanting to do a particular sort of work appeared to show a concern that the work should be interesting and challenging. However, there was perhaps less concern about the exact *nature* of that work, especially when compared with those participants who did not have training contracts and who are discussed later in this chapter.

Participants commented as follows:

the commercial work that I’ve seen, it has so many more dimensions to it – I think that’s what interests me. It’s not just that it’s higher value; it’s just really multi-faceted, I think, in a way that sometimes, um, criminal and family law isn’t, necessarily (Melissa, t/c, institution D)

I’m really keen to be in an area where I am constantly meeting the challenges that someone puts to me: ‘this is my issue; can you help me sort it out?’ ...and being able to form clarity where there is confusion; I like that idea of a challenge, the idea of that kind of challenge....clarity, the idea of clarity, is something I think I’ve always tried to keep in mind, and also some

technical issues, being able to kind of untie something which initially seems very confusing, and I also think of it as, I always sort of make an analogy between translating a piece of literature for example (Cassandra, t/c, institution D).

Several participants also spoke of the work they would do in terms of problem-solving. Motivations, then, were often to do with the intellectual demands they expected their work to present and were perhaps rather abstract in nature and unrelated to the substance of the work. Schleef (2006) identifies being motivated by academic challenge as a sign that one possesses the cultural capital which is associated with more privileged class backgrounds. One participant mentioned that she would not have wanted to do family law because she felt she would not be able to detach from it at the end of the working day and seemed to appreciate the emotional labour which is associated with certain types of legal work and the fact that these sorts of work may involve significant amounts of work which might be described as quasi-social and that this might make it stressful (Westaby, 2010):

I want to enjoy my job, but at the same time I'd like to go home and sort of be at home, and not have to think about it, and I think with family you would take it home with you (Julia, t/c, institution D).

Doing well at something challenging and prestigious was clearly particularly important to participants in this category in a way which is perhaps reminiscent of the good girls described in Reay's work (2004). Reay suggests that children from middle-class backgrounds may be more likely than those from working-class backgrounds to be subject to pressure from parents to do well educationally, even if there is an emotional cost involved, because of

“prevailing values which uncomplicatedly identify academic success as uniformly positive; an unmitigated ‘good’” (2004, p. 71).

There were suggestions, then, that these participants may have been socialised to believe that it was important (and was a source of cultural capital) to do something which was intellectually difficult.

These motivations may, I suggest, have meant that they had not thought as much as those without training contracts about the *nature* or *substance* of the work they would be doing. Two participants did, however, mention plans that suggested an awareness that the sort of legal work they would be doing (they both had training contracts) might not in itself help them to sustain their personal values. If we experience authenticity when we behave in accordance with our personal values and tend to select other identities which will enable us to do this (Hitlin, 2003) then this would suggest that some participants in this category did have an inkling that their choice of practice area might make it difficult for them to behave with that authenticity. They appeared, therefore, to have thought about ways in which they might be able to generate *“psychic income”* (Webley & Duff, 2007, p. 396) for themselves in other ways. Cassandra, who was going to a private client firm in the City, said that eventually she wanted to use her legal training to work in the charity sector or in social enterprise.

For Belinda, it would be important for her to have time to do voluntary work outside her job and, within her job, to actively seek opportunities to help colleagues:

I think it can be little kind of initiatives or incentives, just you know, introducing some kind of fun things into the office that don't take away from people's time to do their work necessarily. But the odd, like, email around

with, or question, or just something funny that happened just to brighten people's day, I think....and yes, in putting a bit of fun, some charity days, stuff like that I think is really important (Belinda, t/c, institution D).

She did, however, appreciate that the pressures of her day-to-day work might make this difficult:

I am also realistic [so] I think perhaps you know I won't be able to jump straight in being a trainee solicitor and do all these things and, but I think they are things that will always be important to me and given opportunities that arise to get involved in things and stuff I hope that despite the workload and I am going into what is quite a tough profession, I'd hope that I will always maintain that enthusiasm for just saying 'yes' to things that people propose, or for proposing things myself (Belinda, t/c, institution D).

Cassandra perhaps had an awareness that getting a training contract relatively easily had limited her exposure to the wide range of firms and practice areas that were open to her:

I'd like to have maybe done maybe some more experience in different law firms because the only time I've ever done it was two weeks in [training firm]. I'd really like to have done some legal aid work, or at least you know having a go at being in a firm that does do legal aid work. That's something I'm interested in and wish I could have had more time to do (Cassandra, t/c, institution D).

It seemed that slight concerns were surfacing at this stage for some of these participants because they anticipated the possibility of future identity dissonance.

In Cassandra's case, these developed to a point where she decided at a later stage to leave the course.

Gender and its implications

Several participants commented that even at the LPC stage men appeared to feel a sense of entitlement and self-confidence about going into the profession that women who had training contracts did not. Belinda felt that among the male LPC students she knew who had training contracts:

it does seem slightly as if there's more of a sense of comfort, I guess, that they know where they're going and sort of what they're doing, whereas the women seem they're still striving to prove that (Belinda, t/c, institution D).

This sort of observation was echoed by Melissa and Cassandra; Cassandra commented that female students appeared more conscientious in class (they made more notes) and overall there was perhaps a hint that female students (although the participants did not say as much) may have felt they were impostors in a masculinised environment. However, the data suggest that at this stage there had not been a great deal of reflection on the implications of this and on how they had come to feel this.

Although participants tended to appreciate the numerical feminisation of the solicitors' profession (Bolton & Muzio, 2008) the data suggest that amongst these participants there was a limited sense of the real significance of being female and how this might affect the development of their careers. Participants tended only to have thought about the fact that *having children* might affect their career because they would have time off work and so this might affect promotion prospects;

however, it seems that at this stage in their legal careers it was difficult for them to understand the more subtle forms of gendering which exist in the profession (see, for example, Haynes, 2012; Sommerlad, 2002; Webley & Duff, 2007). Melissa explained her perception as follows:

I don't really imagine having a very different experience, really.....I wouldn't have thought that the experiences of women would be materially different, just different in the same way that any experience would be different between women and men.....I mean the difficulty, I suppose, comes later on, and for maternity leave. I think that can be quite stressful, because it often, apparently, turns out that at the same time you might be being considered for partner (Melissa, t/c, institution D).

Shirley's attitude was in line with that identified by Costello (1997) who described women who expect gender neutrality in their career and do not think that issues of gender will hinder their promotion prospects:

I don't see why they should experience it [working in a law firm] differently. I mean, I've heard about, you know, some, on qualification, some people's pay is different; and sometimes some of my friends in other professions, they [say that] sometimes men are better at negotiating their pay once they're qualified than women are, but I can't really comment on that because I haven't been in that position (Shirley, t/c, institution D).

Furthermore, amongst these participants there was not a strong feeling that particular practice areas were gendered. This may have been because these participants had succeeded in that sphere and took their success as an indication that commercial work was not gendered. Indeed, from the position of women who

had succeeded in obtaining training contracts at prestigious firms, it appeared to be difficult to see gender as something which would in future represent an unfair structural barrier.

So far as progress within the profession was concerned, participants understood that women were statistically less likely to be promoted and to reach partner level. However, participants tended to feel that the reasons for this were linked with having children and that difficulties would not arise until then. Moreover, none appeared to feel that it would be unfair if their own career was affected in this way and there seemed to be a general acceptance of the human capital theory (Becker, 1993), which would suggest that career success and higher earnings will follow from investment in education and training. The application of the theory is explained as follows, in relation to women in the solicitors' profession, by Webley and Duff (2007):

“women are responsible for their own lack of progression and promotion....invest more heavily in your career and you will reach the higher echelons of the profession” (p.377).

Two reasons tended to be given for the link between having children and poorer promotion prospects. The first was that women who had children often worked part-time or had had a substantial amount of time away from the office, which meant that they made less of a contribution to their firm (here, contribution seemed quite clearly to be being viewed in terms of time spent at work and presumably therefore money earned, which is in itself a gendered view of how we measure contribution (Webley & Duff, 2007)). Julia suggested that:

it has to affect their career progression, because for one reason or another they're unable to give as much time, and therefore why should they progress to handle presumably more responsibility when they don't have the time to take it on? So in a logistical and practical sense, yes, it will, and probably should, affect their career progression, because they're unable to take anything else on. Although just saying it doesn't sound right (Julia, t/c, institution D).

Shirley, too, was accepting of the status quo:

you know, taking that time off work, that probably is an obstacle; that may be viewed as a bit sexist, but it is a fact, isn't it, that some women do want to get married and have children and if you then go back to work afterwards, you're not as far ahead as, you're not at the same level as when you left because the men have sort of overtaken you in that respect. Which is fair enough for the women who haven't had, got married and had children. I think that's just, just a fact of life (Shirley, t/c, institution D);

and Cassandra commented that:

if you want to be a mother, which I do at some point, and you want to be a certain type of mother, one that is present and able to put their kids to bed at night, you are not going to be able to do that necessarily if you're an equity partner in a Magic Circle firm (Cassandra, t/c, institution D).

Perhaps this acceptance was a result of the difficulty, at this early stage, of imagining themselves in such a position; alternatively, it may have been that these

participants felt that they would be capable of the heavy investment envisaged by Webley and Duff (2007).

The second reason given for the link between children and lack of career progression was that even before they had children women were regarded as a risk because they might do so at some point; Cassandra spoken of her friend's experience of being only one of three women in a trainee intake of 30 as follows:

there must have been as many women who applied, umm, and of course the firm has to take into account the financial burden that having someone off on maternity leave might happen but that's life and that's the way of the world (Cassandra, t/c, institution D).

This view shows an appreciation of Webley and Duff's concern that being female is enough to be perceived as having less commitment (2007) and that it is therefore a form of “*negative cultural capital*” (Sommerlad, 2007, p. 212). In the face of this disadvantage some participants expressed a determination to succeed without really questioning the status quo:

I think as a woman you have to understand that the firm is going to have certain concerns but equally I don't think that that should stop you striving as much as you want. I don't think it's going to stop me from striving for what I want personally. I think it's much more, I think it is easier [now] for women to strive for what they want but I think actually in terms of City careers we're doing pretty well as women, not as badly as banking or those kind of areas, I think, I think it's more chauvinistic there still, but yeah I guess it's a balance you have to strike (Cassandra, t/c, institution D).

It seems that gender as a structural obstacle to career progression was not something these participants had thought much about, or indeed yet experienced. Where they had, its legitimacy did not appear to have been questioned to any great extent and there was certainly no suggestion that any form of unfair gender discrimination might be at play.

There were indications that participants in this category did think that there might be a female way of being a lawyer. Participants talked about situations in which they had seen (and admired) female solicitors acting in a caring way, sometimes in the work they did for clients (Cassandra had seen examples of this in estate planning work) and sometimes in the context of supervision of junior staff (Belinda had seen this at her training firm). Descriptions of this sort of way of doing things involved time being given to others. However, the data suggested that they had not yet reflected upon whether that might mean that emphasis on profits was unfair to women (and others in the profession) and that other values ought to be valorised, as is suggested by Webley and Duff (2007). It appeared to be recognised that women leave the solicitors' profession in disproportionately large numbers (Tomlinson et al., 2013) but this was seen as being simply a matter of choice and, again, to be directly linked with having children. Melissa suggested that:

I don't really think that's much because of any inherent - inherent characteristics of women and men; I think it is generally that women might genuinely not carry on all the way, and might want to spend time with the family or something, which is absolutely fair enough; and it tends to be women who prefer to do that, and men who don't (Melissa, t/c, institution D).

Julia's view was similar:

I suppose, well, it's sort of firstly because they would want to, and because it's picking, it's just having to choose whether to have your career or to have your family, and I suppose it's always going to be a sacrifice of one or the other if you want both (Julia, t/c, institution D).

There is evidence that some women do deal with existing gender inequalities by seeking to effect change, even if that makes it necessary to leave conventional legal practice and establish alternative ways of practising (Tomlinson et al., 2013). The participants in this study who had training contracts were (although they were at a very early stage in their careers) likely, because of the capital they possessed as a result of their class backgrounds and the fact that they were going to prestigious firms, to one day be in a strong field position to engage in “*institutional entrepreneurship*” (Battilana, 2006, p. 263) with a view to changing the nature of the profession. However, there were signs that, at this stage of the LPC, they had not yet really reflected in detail on the implications of gender or on the power of their position within a wider profession.

3.3 Participants without training contracts

Both in terms of accessing the profession and expectations of what it would be like to work within it, the position of participants without training contracts was significantly different and the data highlighted in particular the difficulties faced by many of these participants in displaying the appropriate *outward-facing* aspect of professional identity.

Accessing the profession

For many of the participants who did not have training contracts it would be difficult to show the distinction which would be required of them by a recruiting law firm. It was clear that a significant part of this difficulty might be attributed to class background and the tendency of law firms to fail to recognise the merit or talent of those with *“lower status academic credentials [or who] lack other signifiers of talent such as ‘polish’”* (Ashley et al., 2015, p. 26). It is well-documented that those from less privileged class backgrounds are more likely to go to post-92 universities, which is in itself sufficient to confer lower status to their degree qualification (see, for example, Ashley et al., 2015) Indeed, in the words of Schleef:

“if the transformation of upper-middle class White men into upper-middle class White professionals is a challenging process, how much more difficult is that process for women, students of color, and/or working-class students?” (2010, p. 124).

In contrast to the participants with training contracts, the class background of the 8 who did not yet have training contracts was much more varied. The data obtained suggest that all but one (Sophia, whose position is discussed further below) had at least one characteristic which meant that they might be described as *“non-traditional”* (Sommerlad, 2007, p. 190) entrants to the profession.

Four of the participants in this group had undergraduate degrees from post-92 universities; three had degree classes which were lower than 2:1, three did not speak English as their first language and three were from less privileged socio-economic backgrounds. Several were encumbered by more than one of these

disadvantages. Linda, for example, was from a less privileged background (neither of her parents had been to university and she had not been privately educated), had been to a post-92 university and had a 2:2 degree. Anita, although from a more privileged background had a 2:2 degree from a post-92 university, did not speak English as her first language and had no UK legal work experience.

Although it is clear that participants in this group often lacked some of the formal credentials required as component parts of the right *outward-facing* aspect of professional identity they also had not had the opportunity to develop the right behaviours which would mark them out as appropriate recruits; at this stage in their legal careers they were unable to give the sort of “*identity performance*” (Francis & Sommerlad, 2009, p. 65).

The experience of applying for training contracts

I have argued in **Chapter 1** that the state of the *outward-facing* aspect of a student’s professional identity is likely to be an important indicator of their chances of getting a training contract, and that this is one of the reasons it may be helpful for VPT to give attention to this aspect of professional identity formation. In suggesting this, I am not ignoring the fact that by the beginning of the VPT process it is of course too late for students to do much about many of even the changeable components of the *outward-facing* aspect of their professional identity. They cannot do anything about their A-level grades, their undergraduate university or their class background. Because of this, opportunities to help develop *outward-facing* aspects of professional identity are limited. However, they do exist, as I shall argue further in **Chapter 4**.

It was important not to assume that every participant who did not have a training contract was in that position because they had not developed the right *outward-facing* aspect of identity. I therefore wanted to find out how many participants in this category had not yet made applications and, where they had not, the reasons for this. These might of course have included an awareness that there was no point in doing so while this aspect of their professional identity was not well-developed, and might also in part have been borne of assumptions, perhaps related to class background, about the accessibility of the profession for them (see Evans (2009) for further discussion of how working-class girls appear to have certain attitudes to access to Higher Education).

Six of the eight students without training contracts had not yet made any applications. There were different reasons for this, but most commonly this was due to a lack of information or understanding about which firms to apply to. Anita, for example, was deciding which firms to apply to by starting off with the '*top*' firms in a list she had been given, while Jennifer was looking at the Legal 500 but felt rather lost about which firms might be suitable. It seemed clear that their lack of cultural and social capital was making it difficult for them even to make a start with the process of looking for a training contract.

Two students had made applications, and the reasons for their lack of success appeared to be contrasting.

Helen, who had a very high 2:1 from a prestigious research-led university, was proud of her academic record (and mentioned that she had been close to getting a first-class degree) but felt that it tended to be overlooked or to count for little because she did not have substantial amounts of work experience. Although she

had been involved in law-related activities at university (including setting up a student Law Society) Helen did not appear to have exploited contacts made through that. She was aware that her lack of connections with the profession had made things difficult for her:

the fact that I don't have any connections has now only become an apparent problem because the LPC has taught me that it's almost who you know that's very important and I realised very quickly that I don't know a single lawyer and my family had no friends who are lawyers, you know, it's just... no one. And so trying to get work experience, obviously, was very difficult (Helen, no t/c, institution B).

By way of contrast with Helen, Sophia had made a couple of applications over the summer after the end of her degree. These had not been successful but she had not been surprised by this because they had been rushed and did not seem troubled by her lack of success so far:

I'm just 21....so I'm not massively panicking about getting anything straight away because I would potentially still be quite young starting (Sophia, no t/c, institution D).

It may have been significant for Sophia that she had already been offered and had turned down another sort of professional job; during university she had worked in the vacations for and been offered a graduate job by a large accountancy firm. Because of this, it was perhaps easier for her to see herself in a professional role (Francis, 2015) and she may therefore had a degree of confidence that was not shared by all of those without contracts.

I wanted to find out about the extent to which participants, especially those without training contracts, were aware that there was a “*normative professional identity*” (Francis, 2011, p. 165). I argue that the extent to which participants were aware of and felt they could meet those requirements was an indication of the extent to which their professional identities had developed so far. I tried to establish this by asking what they thought firms looked for in a prospective trainee.

Across all participants in the study, many mentioned degree class and university as the most important factors in training contract applications. Several mentioned that firms looked for applicants from Oxbridge and Russell Group universities or at least universities which were in the ‘top half’ of university rankings, and most also mentioned class of degree as being important. It was also common to mention the importance of being able to show that one had done work experience, and to have connections within the profession.

Linda was aware that her 2:2 degree from a post-1992 university was a disadvantage and Jennifer, who had a 2:1 from a post-1992 university, felt she had a problem because she had simply not been to the ‘right’ university. Anita’s understanding appeared to be less comprehensive; in spite of her 2:2 degree from a post-92 university she described plans to apply to top commercial firms in London and was not yet aware that her chances of success might be slim.

Not having enough legal work experience was something both Helen (who had made some applications) and Linda (who had not) felt would make it difficult for them to get training contracts because it meant that there would be a ‘gap’ in their CV. However, neither they nor Anita, who did not have experience in a UK law firm, mentioned the fact that this had made it difficult for them to learn any sort of

“identity performance” (Francis & Sommerlad, 2009, p. 65). Instead, work experience appeared to be seen as something that was necessary from a ‘CV points’ point of view and these students did not talk much about the wider implications of that experience (Brown & Hesketh, 2004) or show much of an awareness of the role of work experience in helping students to learn how to perform in the right way (Francis, 2015; Francis & Sommerlad, 2009). There was little appreciation of the idea that cultural capital and habitus develop gradually over time and are not constituted or evidenced by a tick in a box.

For Helen, work experience had been difficult for her to get because she did not have connections with any lawyers but also because her family did not have substantial amounts of money to help her with her studies. As a result, she had had to spend most of her spare time working in paid hospitality work so as to be able to finance travel costs associated with the LPC. She had made 11 applications during her GDL year and these had resulted in only one telephone interview. Having been rejected a number of times she felt frustration at the type of question she was often required to answer in application forms:

the best question I was ever asked was when have you had a situation where you’ve dealt with it either with humour or with anger? and trying to tie that into something that’s sensible is very difficult. ... it’s very confusing trying to work out what some of these firms want.....I mean, I’ve got a good academic record, I’ve had plenty of hobbies and interests and I can write good answers to those questions but I didn’t get a single reply back from my training contract applications. It’s very hard to pinpoint exactly what a specific firm is looking for (Helen, no t/c, institution B).

It may have been that Helen's lack of work experience meant that she had not had the opportunity to engage in the required "*process of transformation and assessment*" (Francis, 2015, p. 10) which might help her reflexively to develop compatibility with the profession. As it was, her class background made it difficult for her to demonstrate the appropriate *outward-facing* aspect of professional identity and, in addition, it made it difficult for her to get work experience which might enable her to engage in the reflexive development of that identity.

Several other participants in this group had an awareness of the sort of behaviour associated with being a solicitor. Linda and Antonia both felt that solicitors demonstrate a certain sort of behaviour which marks them out as *professional* and Antonia commented that:

they may have certain characteristics about themselves or how they seem and you may look at them...you know most of them, they carry about themselves professionally ; they have this air about themselves..... I would say they all conduct themselves in a certain way. They have a certain mannerism about them so they speak ...their language would be very similar (Antonia, no t/c, institution C).

For Antonia, then, professional behaviour or habitus was at least in part about looking a certain way and conducting oneself with gravitas and appropriate body language (Haynes, 2012).

Linda appeared to feel that professional behaviour was less tangible:

it's like... professional. You can tell if someone is a solicitor... (Linda, no t/c, institution C).

Nonetheless, there was a clear sense in which for Linda being a solicitor was partly about the impression one gives to others through some sort of “*identity performance*” (Francis & Sommerlad, 2009, p. 65), even though arguably she had not yet herself had the opportunity to learn that performance.

The two participants who did not yet have training contracts but showed some awareness of the need to demonstrate certain sorts of behaviour in order to ‘fit’ with what law firms looked for both already had experience of working in professional environments. Mary (who had worked in legal publishing and had taught law in another EU country) felt that she needed to learn what professional behaviour in the UK ‘looked like’. Antonia, who had worked for many years in business in Trinidad, talked about professional behaviour in the following way:

it’s, you know, how you conduct yourself in an interview, you know, you prepare yourself and you know that you have to speak in a certain manner, you have to speak professionally, you have to know how to communicate and get across, you have to control your body language and all those sorts of things (Antonia, no t/c, institution C).

However, across the board there was no specific mention of the need to show distinction although this is identified by Francis (2015) as a significant factor in the recruitment process. Of the two students from perhaps the least privileged backgrounds (Helen and Linda), Helen made oblique (perhaps unconscious) reference to issues of class in that she discussed the disadvantage of not being able to get work experience through links with the legal profession (which a student from a working-class background may be less likely to have) and also talked about the amount of paid work (this was seasonal work in the tourism and

hospitality sector) which she had to do out of term-time so that she could finance travel to and from her LPC institution. Linda talked about the paid work she was doing during LPC term-time (this was housekeeping work which amounted to working almost half-time, even though she was studying the LPC on a full-time basis), which was limiting her study time and was arguably a class-related disadvantage for her (Mountford, 2014); her family was not in a position to make life easier for her by helping to pay for travel. However, neither participant showed a clear awareness of the possibility that it was their class background *in itself*, and the associated difficulty they faced in accumulating the social and cultural capital which is valued in the legal profession, which caused them difficulty.

Gender and its implications

Participants without training contracts appreciated that more women were entering the profession than ever before. However, it was interesting that two participants nonetheless saw gender as a potential barrier to access. Helen's impression was that gender was an issue even when looking for work experience:

when you're trying to get work experience and things, you get more of a sense of it. Some of the men that you're talking to in some of these firms.....it comes across almost that they think it's a man's career.....they're happy to help you but part of them just thinks that you know, we'll help, she may not get anywhere, but we'll help (Helen, no t/c, institution B).

Perhaps as a result of this, she felt strongly that the solicitor's profession was masculinised:

we are entering a man's world (Helen, no t/c, institution B).

Her impressions seemed to have been formed in part by her experiences on the GDL. During that time she had applied for a mini-pupillage and felt that she had been passed over in favour of a less well-qualified male colleague. She had also taken part, with a female colleague, in a student mediation competition and described her experiences as follows:

we just got our suits on and turned up, we actually spent ages preparing what was supposed to be a six minute presentation about mediation which was why we thought we'd be a very good team; he [the judge] even, at the end of our six minutes, went 'well that was really good'....and I was thinking great, maybe this means we're going to get the competition....we didn't get it; it was given to a boy team who turned up in jeans and t-shirts, who had nothing prepared, who were just laughing with him for five minutes, and he gave it to them. And it's little things like that that over time sort of start to eat away at you because you start seeing a pattern even if it maybe isn't there, but it doesn't help, it really doesn't (Helen, no t/c, institution B).

Sophia commented that being female might put her at a disadvantage in the recruitment process because the large numbers of women already entering the profession might make it more difficult for her to be accepted:

I know there's a lot of girls doing a law degree so I think it's quite.... the statistics aren't really in my favour (Sophia, no t/c, institution D).

Here, then, albeit for slightly different reasons, being female was seen as a potential obstacle in a way that it perhaps was not for those who had training

contracts. The reasons for this may be straightforward (it cannot, by definition, have been an obstacle for those who have succeeded). However, it may also be that, for Helen in particular, gender was simply the most visible of a number of disadvantaging characteristics at play. Her description of the student mediation competition may be one of a situation where the winners had been better able to display the habitus of a successful lawyer; her inability may have been due to a number of intersecting factors (most notably class background) of which gender was only one.

Being a member of the profession

If, as I have argued above, identity dissonance may be avoided by seeking to ensure that one's professional identity enables one to behave with authenticity then there was perhaps a sense in which the participants in the study who did not yet have training contracts had more space in which to reflect on the formation of the *inner/personal* aspect of their professional identity, which it might be expected would continue to evolve during the LPC. This space had been afforded to them in the form of time and in the form of freedom from the influences of a specific firm.

Reasons for and reflections on career choices so far

Most participants who did not yet have training contracts were able to describe their plans for the future with reference to the *nature* of the work they wanted to do.

Six of the eight students in this category said they did not want to do commercial work. Of the six students who had chosen non-commercial work, two had a preference for family law, two for criminal, one for human rights and one for private

client work. Most felt that this was the sort of work that would enable them to help others. Helen's is a good example of the sort of explanation participants gave of this:

when my parents got divorced my dad didn't understand some of the terms that were being used in some of the decrees and even at the age of 17 [Helen's age at the time] my dad was like 'I'm really sorry, is there any chance you could read this?' And it was like, to an extent, it was just that I wanted to be helpful and useful (Helen, no t/c, institution B).

Two of the six did not mention helping others as a motivating factor but had chosen their practice area because they felt it would be interesting and stimulating. Linda explained her interest in family law as follows:

I like being nosy... and I enjoy the whole... Baby P, that kind of thing. I don't know why it interests me really, it just does (Linda, no t/c, institution C).

Four participants said they were not yet sure whether they would work in a commercial or non-commercial environment; two thought they were likely to practice property law (which could be done in either context).

It is difficult to tell from the data whether the decision not to try to do commercial work may have resulted in some cases from participants' sense that this sort of work was 'not for them'. Some may of course have realised that features of the *outward-facing* aspect of their professional identity (degree class and institution attended, for example; or perhaps even gender) would make this difficult and have decided therefore to concentrate their efforts elsewhere.

It is perhaps not surprising that it was common to mention helping people or contributing to society as motivating factors for those who wanted to do non-commercial work such as family or human rights work. A few participants went into a little more detail and seemed to have thought quite carefully about the *nature* of the work they might do and, relatedly, the importance of ensuring *authenticity* (Hitlin, 2003) in their personal and professional identities. In this sense, there was perhaps a difference between participants in this category and those with training contracts who I describe as having more firm-related identities. Jennifer, who wanted to do criminal or employment law work, felt that she would feel a sort of identity dissonance (Yang Costello, 2005) if she were to move into a commercial practice area:

having to work for some sort of big Magic Circle set, I don't think I could really explain it away to myself if I started doing mergers and acquisitions (Jennifer, no t/c, institution B).

Rowena anticipated the possibility of finding herself in a firm where she felt uncomfortable with the way in which profits were prioritised over client care; she had experience of immigration law firms which she felt had acted in this way:

so they advise absolutely everyone to apply for asylum, which then erodes any other case they might possibly have to stay in the UK, and it's just for them really to get money; I think that's totally unethical. So something like that, I really have problems. I'd have a big problem working under that kind of system (Rowena, no t/c, institution B).

It was interesting that none of the participants who had training contracts appeared to have anticipated the possibility that they might feel ethically conflicted in their

work, even though two had alluded to the possibility that they might need to look outside their practice area for “*psychic income*” (Webley & Duff, 2007, p. 396).

Gender and its implications

Amongst the participants who did not have training contracts, there were some reflections on gender which appeared to contrast with those held by participants who did have contracts. There was a stronger sense that certain practice areas were gendered. Family law in particular was seen as an area most suited to women. Participants commented that women tended to take a ‘*softer*’ approach in their dealings with clients (Linda, no t/c, institution C) and that women empathised better with clients (Mary, no t/c, institution B). Helen (no t/c, institution B) felt that women were better at the ‘*social*’ side of a solicitor’s work and that speaking to a female solicitor was comforting for clients. There was a very clear sense in which participants felt that women made an emotional investment in the work they did for clients which made them well-suited to family work and other legal work which is seen as requiring such input and the deployment of capital which is specifically gendered (Reay, 2004). This sort of work is therefore at odds with

“the stereotypically masculine traits of the profession.....which are the standards by which lawyers are judged” (Westaby, 2010, p. 163)

and forms part of what Bolton & Muzio (2008) call “*a series of overwhelmingly female specialisms*” (p.286) which also include employment, housing and probate law and to which list immigration might also be added (Westaby, 2010).

Participants who had chosen these types of practice area did not appear to have any concern about the “*significant income and status gap*” (Bolton & Muzio, 2008, p. 286) between them and corporate areas, nor to recognise that “*female*

specialisms offer lesser opportunities for career progression" (Bolton & Muzio, 2008, p. 286). There may have been several different (indeed overlapping) reasons for this lack of concern or awareness but it is likely to have been a consequence of their status as outsiders who had not fully developed their *"feel for the game"* (Bourdieu, 1990b, p. 66).

Whilst most participants emphasized that particular sorts of work were particularly female, a few participants identified particularly masculine sorts of work. Rowena, when describing the characteristics of solicitors who did commercial work in the City, said that in order to be successful they had to have *'balls'* - be they men or women – a very clear indication that corporate work is seen as being masculine in nature (Bolton & Muzio, 2008), and Mary felt that men were better at tax work because women tended to be bad at maths.

When it came to prospects of promotion and career advancement, the understandings of participants in this category appeared similar to those of the participants with training contracts in that they tended to see gender as an issue which would cause problems for them only once they had children.

There was also a distinct sense that this was an issue for the future; something which was not to be worried about yet. Sophia commented that:

I don't think I could really say because I haven't really been a woman solicitor watching how it works so I don't really know (Sophia, no t/c, institution D),

and Rowena that:

I haven't thought about how life would be with children, or anything like that.

Um, but that's not really what I'm concerned with at the moment (Rowena, no t/c, institution B).

These participants who did not have training contracts were, for the moment, on the margins of the solicitors' profession. They perhaps found it difficult to imagine problems they might encounter in the future in a field to which they had yet to be admitted.

3.4 Conclusions

The purpose of this chapter has been to establish the extent to which participants had at the beginning of the LPC developed a sense of professional identity, to examine the nature of that identity and to establish what differences there might be between participants from different class backgrounds. It was necessary to see where they stood at the beginning of the LPC so as in due course to establish the effect of experiencing the course on participants' professional identities and in order to ascertain this the chapter has discussed both the *outward-facing* and the *inner/personal* aspects of participants' professional identities.

Using Bourdieu's Theory of Practice as a tool of analysis, the findings outlined in this chapter indicate that intersections of gender with class background and other circumstances generate a complex picture of professional identity formation at the beginning of the LPC. In the midst of this complexity, however, a very clear distinction in terms of professional identity formation was evident between participants who did, and those who did not, have training contracts.

The participants who did have training contracts were all from relatively privileged class backgrounds and it appeared to be aspects of this privilege (family connections and university attended, for example) which had enabled them to accumulate valuable social and cultural capital and to form the required *outward-facing* aspect of professional identity to secure their training contracts relatively quickly and easily, without the need for work experience and/or interviews at very many firms. Their thoughts on working as a solicitor tended to be about working as a member of their firm, not the profession as a whole and so in this sense their professional identities were somewhat narrowly-formed.

For these participants, access to the profession had therefore been relatively straightforward and gender did not appear to have been a significant issue in the recruitment process; here, intersections with class background appeared perhaps to have mitigated the significance of being female, even when applying to City firms where arguably the culture is particularly masculinised (Sommerlad, 2016). Overall, they had some sense of ease and confidence about the future progress of their careers.

However, when these participants thought about working as a solicitor, it appeared that these quickly and narrowly-formed professional identities might have developed without detailed reflection on some issues linked with the *inner/personal* aspect of professional identity and were often very organisationally oriented, with relatively little sense of being a member of a wider profession. A few appeared to appreciate the possibility of identity dissonance and that their work might not afford them the sort of “*psychic income*” (Webley & Duff, 2007, p.396) they might like. They tended to appreciate that career progression might be more difficult for them because they were female, but this obstacle tended to be seen as

an issue which would arise only if they had children and was, moreover, accepted in a largely uncritical way without any suggestion that it resulted from any sort of discrimination against women (McGlynn, 2003). The story of these participants is developed further in **Chapter 4** when their perceptions and expectations of the LPC are discussed and in **Chapter 5** which discusses the effect of the LPC on the development of their professional identities.

Participants who did not have training contracts came from a much wider range of class backgrounds. Reasons for not having a training contract varied but a significant proportion was linked with difficulties in displaying, or in some cases even being aware of, the right sort of *outward-facing* professional identity. In turn, a significant number of these difficulties were a result of aspects of their class background, which had made it difficult for them to accumulate the social and cultural capital which would have allowed them to display the habitus of a solicitor. For these participants, gender may have been seen as being a rather more significant issue in the recruitment process and appeared sometimes to be seen as an obstacle to entry to the profession, when class background was not.

When these participants thought about working as a solicitor they did so from the margins of the field and so tended to be thinking about something which was a possibility instead of a certainty. In this sense their professional identities appeared unstable and contingent. Although uncertain, their position contrasted with those of the participants with training contracts in that their future careers were something in respect of which they had choice and flexibility, and in which they were perhaps more conscious of the need to avoid identity dissonance. In common with the participants who did have training contracts, those without had not thought a great deal about the implications of gender for their future career, but

this was probably for different reasons which were linked with a general difficulty in anticipating things which might happen to their contingent selves (Francis, 2015).

The story of these participants is developed further in **Chapter 4** when their perceptions and expectations of the LPC are discussed and in **Chapter 6** which discusses the effect of the LPC on the development of their professional identities.

At the beginning of the LPC, then, the needs of the participants in this study, so far as professional identity development is concerned, appeared varied and disparate. It was clear that their different class backgrounds meant that they faced different obstacles in the future and that gender had varying significance.

For some of those without training contracts there was a need to first develop an awareness of the “*normative professional identity*” (Francis, 2011, p. 38) before it would be possible for them to engage with the process of developing that identity. For all participants, there appeared to be scope for engagement with issues to do with the *inner/personal* aspect of professional identity so that this could be reflexively developed.

This chapter has established what, at the beginning of the LPC, are the needs of participants so far as professional identity development is concerned. Next, it is necessary to consider the place of the LPC in the process of professional identity formation. **Chapter 4** will therefore discuss the purpose of the LPC and participants’ expectations and perceptions of the course. It will demonstrate that these expectations and perceptions varied significantly according to whether or not participants had training contracts and will address the following research sub-question:

How does the significance of the vocational professional training process vary between female students from different class backgrounds?

Chapter 4 - The place of the LPC and student perceptions of its role

I have argued that the LPC is a crucial stage in the professional identity formation and professional socialisation of intending solicitors in England and Wales.

Chapter 1 provided data to help contextualise the LPC in the UK and it is worth repeating here that although a significant majority of those admitted as solicitors in 2012 had studied the LPC, a considerable proportion had had no prior legal education apart from the one-year GDL, the significance of which is not generally discussed in detail in the academic debate on the role of legal education. The LPC is arguably, then, the best example, within the system of legal education and training, of Larson's "*common and clearly defined basis of training*" (2013, p. 45) which is said to be one of the defining features of a profession (see, for example, Francis, 2011; Larson, 2013; Rueschemeyer, 1989). **Chapter 1** establishes that examination of its significance is therefore necessary to our understandings of the process of legal professional identity formation and professional socialisation in England and Wales.

Having explored, in **Chapter 3**, the nature of participants' professional identities as they begin the LPC and the contrasting positions of those who did and did not have training contracts it is necessary in this chapter to consider the context in which this study took place. This chapter therefore examines, firstly, the place of the LPC within the system of legal education and training in England and Wales and, secondly, participants' perceptions and expectations of it. In doing so it highlights the potential significance of these for processes of professional identity formation. Carnegie notes that law school is where students "*can begin both to*

assume and critically examine their future identities” (Carnegie Report 2007, p.3) and if we accept that the process of professional identity formation which occurs during the LPC is a reflexive project (Sommerlad, 2007) it is logical to assume that the changes which occur during that project must (at least in part) be related to students’ perceptions and expectations of the course. It is therefore important to examine those perceptions and expectations and, to that end, this chapter builds on **Chapter 3** and addresses the following **research sub-question**:

How does the significance of the vocational professional training process vary between female students from different class backgrounds?

The chapter draws on and discusses data from the full study when participants were interviewed at the beginning of the LPC. It will be seen that even though some findings were common to most participants in the study, nonetheless once again the distinction between participants who did and did not have training contracts was highly significant and indicated contrasting expectations of and attitudes to the course and their position within the profession.

4.1 Putting the LPC in context

To qualify as a solicitor most students still follow a traditional route of undergraduate law degree followed by LPC followed by a 2-year training contract (‘period of recognised training’ from 1 July 2014) in a firm of solicitors or, if the student has done a non-law degree, undergraduate degree followed by one-year Graduate Diploma in Law followed by LPC and 2-year training contract. Other routes to qualification do exist (such as the possibility of qualifying through ‘equivalent means’, as provided for by the SRA’s updated training regulations in 2014) but are much less common and are beyond the scope of this thesis. The

LPC is specifically vocational in nature and it would be very unusual to pursue it if one did not intend to use it as a step towards qualification as a solicitor.

Regulation and representation of solicitors

The system of regulation and representation of solicitors in England and Wales has changed significantly in recent years. Historically the profession had been largely self-governing (Ching et al., 2015; Muzio & Flood, 2012; Webley, 2015) and so had control, through the Law Society, of training for and admission to the profession, and also of disciplinary functions (Webley, 2015). Self-regulation has traditionally been seen as an important aspect of legal professionalism (Boon, 2010) and so the regulatory changes brought about by the LSA, which are discussed below, have generated much discussion.

The regulatory position changed significantly as a result of Sir David Clementi's review of aspects of the legal profession (Clementi, 2004), which was a significant driver behind the coming into force of the LSA in 2007. Clementi recommended that competition within the profession be increased (Ching et al., 2015) and the interests of consumers prioritised (Flood, 2008). Previously, it had been the job of The Law Society of England and Wales both to *regulate* the profession and to act as its *representative* body but, after the LSA required that these functions be separated (ss29 and 30 LSA), the SRA was created and became the independent regulatory body of the Law Society with statutory power to regulate the profession in accordance with the provisions of the LSA (overseen by the Legal Services Board) in such a way that the interests of the consumers of legal services are protected and promoted (s1 LSA). The Law Society's role therefore now includes

no regulatory function and its website describes it as a body which exists to *“represent, promote and support all solicitors”* (Law Society website – ‘About us’).

However, it is suggested that, now that the Law Society has no regulatory power, younger solicitors are unlikely to feel much connection with it, and that *“nobody will listen to what it says”* (Ching et al., 2015, p. 156). It is argued that the LSA, in spite of its reiteration of certain professional principles at s1, represented not only a move away from self-regulation by the profession but also one towards a statutory framework in which *“the only values are those of the market”* (Ching et al., 2015, p. 158), or at least where it may be difficult to be sure *“what values, if any, have persisted”* (Flood, 2008, p. 11). This suggests that those values more traditionally associated with concepts of professionalism, such as altruism and collegiality, are ignored because deregulation has increased competition, thus making entrepreneurship more important (Muzio & Flood, 2012) so that legal practice is seen as something much more like running a business (Boon, 2010), where the application of *“rules, regulation and audit”* (Flood, 2008, p. 11) are of primary importance. Indeed, it has been suggested that the expectations of consumers, and traditional ideas of professionalism, are diametrically-opposed alternatives:

“consumers are right to expect quality, value and respect – and the pressures on lawyers to deliver that kind of service, rather than the paternalistic model of old, will only increase” (Edmonds, 2010, p. 2).

It is against this backdrop that the role of the LPC should be examined.

What is the LPC supposed to do?

The LPC was introduced by the Law Society in 1993 as a replacement for the Solicitors' Final Examination, which had been in place since 1979 (Dixon, 2012) and which was "*knowledge-based, with an emphasis on law and procedure*" (Webb & Fancourt, 2004, p. 295). It was intended to place new emphasis on training in practical skills and was initially provided by the College of Law and seven post-92 universities. By 2013, provision had expanded and the course was provided by 29 separate institutions (LETR Report, 2013).

In 2005 the final report of the Training Framework Review ('the Review') was published. Webb and Fancourt (2004) explain that it had been undertaken in response to a range of concerns expressed by various stakeholders (such as the 'big' City firms, practitioners, and those involved in delivering legal education), particularly the extent to which the LPC should provide specialist training for particular areas of legal practice, and the suggestion that the course was too easy because it had had to respond to a fall in standards at undergraduate level.

The Review aimed to reconsider the whole of the legal education process as a route to qualification as a solicitor and culminated in 2007 in publication of a set of outcomes (revised in 2011) which were to be demonstrated as a pre-requisite to qualification, and to be taught via the LPC. The LPC is described by the SRA as a "*practice-focused course*" (SRA: Frequently Asked Questions) which builds on students' academic knowledge of the law. Its stated outcomes relate to technical competence and it is difficult to see where there might amongst them be a requirement to engage with issues of professional identity formation, and so it is not surprising that such issues form no part of the formal LPC agenda. Issues of

professional identity formation are limited to some attention to helping students to try to find a training contract, which it may be argued involves engagement with the process of developing the *outward-facing* aspect of professional identity.

What we have seen, however, particularly in recent years, is repeated discussion of the need to teach *values* as part of the legal education and training process.

The discussion is complicated, firstly because the term is not always used consistently and secondly because there has been more than one reason given for teaching them. Furthermore, some of the discussion, which is addressed below, is academic in nature and some has taken place as part of a series of reviews of the UK legal education and training process which have been undertaken for largely regulatory purposes; most significantly the Legal Education and Training Review ('LETR'), launched in 2011. LETR was a joint instigation of the Institute of Legal Executives, the Bar Standards Board and the Solicitors' Regulation Authority which planned to consider the future of legal education and training, with a focus on legal services (that is, without looking in detail at the academic stage of legal education) and on regulatory issues in light of the changes brought about by the LSA (Ching et al., 2015). The initial research stage of the review culminated in the publication in June 2013 of a report which made recommendations which were

“designed to ensure that England and Wales have a system of legal services education and training (LSET) that is fit for the future, and one that advances the regulatory objects of the Legal Services Act 2007 in the interests of society, consumers and justice” (LETR report, p.10).

Those recommendations do include a suggestion that the system of legal education and training should include *“some education in legal values”* (p.14) and

that such education should take a broad approach and avoid a *“limited focus on conduct rules or principles”* (p.14). A general observation of the report is that it is necessary to make improvements to the *“quality, accessibility and flexibility”* (p.10) of legal education and training and that quality might be improved by introducing *“training in legal ethics, values and professionalism”* (p.10). Although it is clear that the report envisages something less focussed than the teaching of the rules of professional conduct (which is, after all, already required by the SRA’s Legal Practice Course Outcomes) it is not clear what is meant by the terms *‘legal values’* and *‘legal ethics’*. Moreover, there appears to be no real attention paid to the possibility that thinking about values and ethics might be helpful to the *individual* solicitor. This issue is explored further below.

The SRA’s response to LETR culminated in its ‘Training for Tomorrow’ review of the process of professional qualification and indicated that it favoured a ‘one size fits all’ approach to professional qualification which would involve it as little as possible except that it will stipulate that in order to qualify as a solicitor an individual must meet certain standards of technical competence and achieve certain outcomes. Its policy statement of 16 October 2013 stated that it intended

“to focus the education and training system on ensuring that those who deliver legal services meet our standards with less emphasis on the process by which high quality outcomes are achieved”, and

“in doing this to increase flexibility for higher education institutions, vocational training providers and employers to come up with innovative and efficient ways of achieving the necessary outcomes” (SRA, 2013).

It is therefore reasonably clear that the purpose of the LPC is competence. The term ‘competence’ itself is subject to a number of possible interpretations (see Ching (2010) for a discussion of this in the context of work-based learning) but for the purposes of this chapter I adopt Black’s explanation; that is

“the ability to employ substantive knowledge and technical skills effectively in given situations” (2012, p. 2).

Again, there is no specific emphasis on issues of professional identity development.

Since the data in this study were collected there have been significant developments in the SRA’s policy on what should be the qualification process for solicitors in England and Wales. The developments have their roots in the recommendations of the LETR and are discussed and evaluated in **Chapter 7**. They do not signify any intention on the part of the SRA to place any greater emphasis on the need for the formal qualification process to involve reflection on issues of professional identity.

Teaching values and the link to legal professional identity

I have explained that regulatory reviews of the legal education system have recommended that increased attention be paid to the teaching of legal values and ethics. In **Chapter 3** I explain the link between values and identity, and the potential for identity dissonance where professional and personal values are not aligned. The academic literature in this area appears to suggest three possible reasons (which may overlap) for teaching values as part of the legal education process. I appreciate that much of it relates to undergraduate legal education and

advocates that values be taught there. As has already been pointed out in **Chapter 1**, however, a significant proportion of LPC students has not studied law at undergraduate level.

First, there is a substantial amount of academic literature, from the UK and other jurisdictions, which advocates the teaching of values as a process of intellectual development (see, for example, Burridge & Webb, 2007; Cownie, 2008, 2011) so that students may understand “*why things are as they are and how they could be different*” (Pue, 2008, p. 279). Second, writers argue that encouraging students to engage with values is part of the process of teaching them to be ethical, virtuous or ‘good’ lawyers (Duncan, 2010; A. Evans, 2014; Nicholson, 2009). Third, it is suggested that by paying attention to development of one’s own values it may be possible to ensure one’s own wellbeing (Boon & Whyte, 2002; A. Evans, 2014; Ferris, 2014; Ferris & Huxley-Binns, 2010; Perez-Hurtado & Montoya, 2011).

There is a link between the first and second reasons which Sanders explains as follows:

“professionals need to be educated so they understand the society they help to shape and the values that should underpin that shaping....we need to educate people to be good citizens, not just train workers” (2015, p. 148).

The teaching of values may, therefore, be a valuable intellectual discipline which at the same time encourages students to be virtuous in character (Arthur et al., 2014).

It is suggested (A. Evans, 1998) that encouraging students to think about values at an early stage in legal education is beneficial in that those values are likely to be

less tied to commercial issues and more likely to stem from a student's conscious reflection on their own identity and personality, so avoiding the problem that students do not develop the spiritual aspect of their legal professional identity. Brayne (2000) expresses the view that experiential teaching is an important means of developing students' emotional intelligence and helping them to develop their own framework of personal values. More generally, it is suggested that thinking about their own values is likely to ensure that students are able to ensure their own wellbeing (Ferris, 2014; Ferris & Huxley-Binns, 2010). In other words, legal education may have an important part to play in helping students to develop the *inner/personal* aspect of their professional identity, which in turn may feed into the career choices they make. The importance of finding 'the right firm' in order to minimise identity dissonance is recognised in research into the use of online, virtual legal practices in legal education in the UK and Australia which aims to help students to

"be aware of the importance of a match between their own professional values and those of any potential employer" (Rowe, Murray, & Westwood, 2012, p. 123)

and is also examined in Evans' 'The Good Lawyer' (2014):

"there is little point in going to a firm that is not going to engage your integrity and stimulate a deserved loyalty" (p.45).

It is argued that firm-related LPC arrangements may affect or influence the values which are developed during the VPT process (Faulconbridge, 2012); if that is the case then it might be expected that a number of participants in the study could be influenced in this way.

The teaching of values as part of the development of the *inner/personal* aspect of professional identity is therefore of concern for the purposes of this study.

It is sensible to assume that students begin the LPC with an impression of the course which has been formed as a result of a range of influences including information available online, discussions with their training firms, discussions with peers, and the legal press. It is also important to recognise the possibility that students on the LPC may be encouraged to think about values not just explicitly and as a result of the formal curriculum, but also because they observe values being demonstrated by the behaviour of teaching staff and the by culture of the institution where they study. Indeed, it is suggested that

“the values that a law school explicitly or implicitly conveys to its law students are most probably identified by them as the dominant values in the practice of law” (Perez-Hurtado & Montoya, 2011, p. 10).

It will be necessary, therefore, when investigating the extent to which the LPC currently encourages students to think about values, to look beyond the formal curriculum to the ‘hidden curriculum’ referred to by Posner (1995) and at what students experience, not just what they may be taught.

The data in the full study which relate to these issues are now examined, beginning with findings which appeared to apply both to those who did and those who did not have training contracts at the start of the course.

Does it matter where you do the LPC?

A student looking online for advice on where to do the LPC is likely to get the impression that choice of provider does not matter much. A brief survey of

discussions on the website 'The Student Room', for example, suggests that the following comments are fairly typical where students discuss and advise one another on where best to do the LPC:

"where you do your LPC really doesn't matter in the slightest"

"just do it anywhere. There really is no need to worry about the quality of teaching, reputation etc for the LPC"

"I was always told that didn't really matter" (The Student Room).

When discussing LPC providers, most participants showed an awareness that there were three 'private' providers (BPP, the University of Law and Kaplan) and a number of other university providers. In the full study, two of the three providers were universities (institutions B and C) and the third (institution D) was a private provider. Of the six participants at institution D, five had been required by their training firm to do the LPC there. All other participants in the full study had had a free choice as to where to do the LPC, as did all participants at institution A who took part in the initial study.

There were aspects of the course provision that participants clearly found important; it was common to say that they valued the fact that their LPC cohort was fairly small, which meant that they had a close relationship with their tutors, and that their course did not involve too much online teaching. Overall, however, the data in the full study appeared to suggest that participants (perhaps not surprisingly) had not thought about the possibility that there might be significant differences between institutions which might go beyond obvious issues such as the size of the student cohort. Sommerlad (2002) urges an awareness that the

legal profession has a complicated character which does not show itself when one looks at statistics alone and perhaps the same may be said of doing the LPC at a particular provider. Participants generally felt that the LPC was rather a 'one size fits all' experience. Rowena explained her decision to go to institution B as follows, even though a friend had recommended it:

in the end it didn't really matter to me....it was just something I wanted to tick off my list of things (Rowena, no t/c, institution B);

whereas Shirley (t/c, institution D) said:

in terms of the [provider] institutions I really don't know how it would have been different, really [to go to a different provider institution]. I think the courses would have been similar in terms of what you have to do; they must be (Shirley, t/c, institution D),

and Melissa that:

if you already have a training contract, I personally think they're much of a muchness, really (Melissa, t/c, institution D).

Regardless of whether or not they had a training contract, participants at institutions B and D felt that their course was academically rigorous and saw this as a good thing. Nonetheless, there did not appear to be any real sense that there was significantly more prestige or advantage attached to one LPC than another. The sense that 'it doesn't really matter' where a student does the LPC suggests a feeling that the LPC experience is not significant in the nuanced process of professional identity formation. I suggest that in turn this too indicates a general perception that there is a hegemonic way of doing things which has to be learned

and can be learned at any LPC provider. However, the data discussed in the following sections, and later in **Chapters 5** and **6**, suggest that in fact the institution at which a student does the LPC may have a significant effect on the way in which professional identity develops during the course.

4.2 The gendered nature of the LPC?

I argue at **sections 4.3** and **4.4** below that participants' general tendency not to expect much from the LPC in terms of engagement with issues involving legal values and professionalism may be concerning if it indicates an acceptance of the objective reality of the status quo (Bourdieu, 1990a) and particularly the hegemonic masculinity which, it is argued, pervades the professions generally (C. Davies, 1996; Witz, 1992) and the legal profession specifically (McGlynn, 2000, 2003; Sommerlad, 1998). This may be one of a number of indications that there is a gendered dimension to the LPC itself and there were other, more subtle clues that this may be the case, in spite of participants' general tendency (see data discussed in **Chapter 3**) to say that the legal profession was not markedly gendered.

A couple of participants remarked that, although they were at an early stage in the LPC they had already noticed that their male colleagues seemed to feel much more relaxed and confident about the course than they did. Some participants clearly felt anxious about doing well on the course and, perhaps felt pressure to maintain the behaviour of the "*good girl*" (Reay, 2004); their observation was that their anxiety did not appear to be shared by male students who already had training contracts.

Cassandra and Belinda were both feeling unsure of themselves at the beginning of the LPC and hoped that they could do well on it so that they would feel more confident, both having suffered knocks to their confidence during the GDL. The data suggest a sense that doing well on the course would be a good predictor that participants would also do well in practice and an awareness that women, to do well in practice, must be especially competent. Tomlinson et al. relate the view of a female solicitor interviewee who sums this up very effectively:

“I am sick to death of going into City firms with mediocre men that only got there because they’re men and I see exceptional women.....who have to be exceptional. I think if there had been a male solicitor with half a brain cell, two arms and a couple of legs, he would have taken him into partnership in preference to me” (2013, p. 259).

In fact, it is suggested that good performance on the LPC is *not* a good indicator of competence as a solicitor (King, 2015). However, this raises questions as to how it is suggested competence is measured and whether such measures may themselves be gendered.

Even at the beginning of the LPC, participants across the board may subconsciously have seen the course as a somewhat masculine endeavour. The language used when anticipating the LPC suggests a preoccupation with long hours of (not necessarily particularly interesting or exciting) work:

I think it’s going to be a slog, but a manageable one, if the time’s put into it
(Jennifer, no t/c, institution B);

I really find it, at this stage, really boring.....you have to do it....it is pretty full-on.....it's not necessarily that the work is really difficult, it's just a huge workload (Rowena, no t/c, institution B).

There were clear indications that hard work was seen as being all about spending large amounts of time studying, even though the work itself might not necessarily be too difficult. The effort required was described in almost physical terms and was gendered in a similar way to the way in which Collier describes portrayals of trainee work in law firms' publicity literature:

"There is no recognition.....that long hours might constitute a problem for individuals who may have pressing commitments or responsibilities in relation to other areas of their lives" (Collier, 2005, p. 71).

Perhaps there was a recognition by participants that systems of legal education and training require those who want to become solicitors to demonstrate behaviours which are *"more closely associated with the 'imagined masculine' rather than 'fictive feminine' characteristics or traits"* (Webley, 2012, p. 142). If so, it may be that acceptance of this gendered *"normative professionalism"* (Sommerlad, 2002, p. 218) is made more likely, thereby reducing the possibilities for critical reflection on one's own professional identity, by the fact that this is not what is generally expected of the LPC. The position in relation to participants' perceptions and expectations of the LPC appeared to be more complicated, though, when the positions of those with and without training contracts was compared.

4.3 Participants with training contracts

The perception and expectation of participants who had training contracts was very much firm-related and tended to suggest that, for them, the importance of the LPC lay in its potential to equip them to perform as a lawyer *within their firm*.

Perceptions of LPC providers

Although participants tended not to see much difference between LPC providers (see **section 4.1** above), amongst the participants with training contracts in England and Wales it was clear that when they thought of LPC providers they first thought of the three private institutions. This was perhaps only to be expected because generally speaking their experience of the legal profession so far was of firms and practice sectors which tended to choose private providers to teach their future trainees a bespoke LPC. However, these participants' lack of awareness of how the LPC might work at university providers suggests a suspicion that there was at least something *different* about private providers, even if they were not necessarily *better*. Both Julia and Cassandra, who were at institution D (a private provider), said that they did not know what it would be like to do the LPC at a university. Julia explained that she only really knew about the private LPC providers but imagined that:

what I would suspect is that here, at the private ones, they would try and make it slightly more like practice (Julia, t/c, institution D);

and Cassandra commented of university LPCs that

I don't know anything about how that would work. (Cassandra, t/c, institution D).

Julia also admitted that

the only three that I really know about are [the three private providers]

(Julia, t/c, institution D),

and Melissa that she had not carried out any research into different providers but that:

I might have a different opinion if I didn't have a training contract, because

then I'd be much more interested in the careers service (Melissa, t/c, institution D).

Julia's feeling that a private provider might teach in a more practice-related way and Cassandra's admission that she did not know much about university providers indicate a feeling that they were to have a *particular* type of LPC experience. That type of experience had, moreover, been endorsed, and so conferred with distinction (Bourdieu, 1984), by their training firm and so must be the 'right' type of experience for them. I suggest that this knowledge, combined with the knowledge that they were to do an LPC which had been designed with their firm in mind, may well have served to develop, as part of the *inner/personal* aspect of professional identity, a sense (whether conscious or unconscious) of superiority within the hierarchy and stratification of the profession. After all, if private providers are where those with training contracts with City firms are sent, who goes to a university provider? And how valuable, therefore, is the cultural capital which an LPC from that sort of institution would represent? Participants seemed to be unconcerned that they had not had a choice but it seemed that they had made an assumption that private providers offered a certain sort of LPC experience which their firm thought was appropriate. By implication, there must be some providers

which would not be 'good enough' for those going into certain areas of practice. Even by specifying certain providers, then, firms may have been encouraging feelings of superiority in their future trainees and so further contributing to the hierarchical fragmentation of the profession.

What is the LPC going to do for me?

The expectations of participants with training contracts suggested a feeling that they were undertaking the LPC for the benefit of their firm, and not themselves, and that the course was rather like the beginning of their induction to the firm (see associated discussion in Cook et al., 2009) and a process which Faulconbridge (2012) suggests might be termed “*cultural*” training which plays an important part in

“emphasising the kinds of behaviours, practices and norms that new recruits are expected to embrace” (p.2655).

The value of the LPC appeared to lie in two areas in particular: its potential to teach skills such as organisation and teamworking, and its having been tailored to the needs of their training firm; there was very little mention of preparation for the wider profession. Belinda, for example, commented as follows:

I know that time management will be something that I would be conscious of....they are quite good at loading us with lots of paper to help us with our general file management.....and they do try in classes to make that happen....working together as if you were two solicitors working on something’ (Belinda, t/c, institution D);

Cassandra similarly:

hopefully....the LPC will train me up to be good at working in a team...because you have lots of teamwork, and that's an important part of things as a lawyer (Cassandra, t/c, institution D),

and Shirley that:

I think it will help me collate my thoughts better, be more structured in my approach to things....I think it will help me be more organised (Shirley, t/c, institution D).

It was clear even at the beginning of the course that all five participants with training contracts at institution D were to have fairly close contact with their firm throughout the year. Three of the five were to have a particularly firm-specific experience of the LPC because once Stage 1 was out of the way they were, for Stage 2, to be taught in firm-specific groups of 18 or 20 future trainees where one of the subjects was specially designed to fit with the business focus of the particular firm. Belinda explained at the beginning of the course that:

we have to do private acquisitions, advanced commercial property, and then this special elective which is called City Finance. I actually don't know that much more detail about it yet to be honest, we haven't been given any kind of material on it. We only had a meeting with.....we have a tutor that like links with [firm] here, [name], um and he held a meeting with us all just to outline going forward what our electives were going to be, and that we would all be together ... but I think some of the debt finance stuff, some of the advanced business stuff comes in different aspects of it put together, kind of moulded by [firm] because obviously they are a bit corporate, their main emphasis being [practice area], I think, they wanted the corporate

aspect, to actually fit more with what they do, which is kind of the finance side of things. So they've kind of modelled it to feed more directly into what they do (Belinda, t/c, institution D).

In addition, Belinda was aware that during the year she would also be going into her firm for additional training days (arranged for her firm by her LPC provider) which would address certain legal skills. Belinda's reflections on one of these training days, which covered drafting issues, are discussed in **Chapter 5**. At this stage, though, there were indications in the data that she was aware that her training firm felt that the 'bog standard' LPC would not be as effective as a bespoke course at getting trainees ready to do what the firm needed them to do. Ching (2015) links such attitudes to the LPC to a general feeling that the workplace is the best environment in which to learn how to be a solicitor.

Melissa was aware that her training firm had chosen to send its future trainees to institution D after sitting in on teaching sessions:

the firm did go through.....quite an intensive selection procedure where they went to each provider, I think, conducted interviews, sat in on lectures, sat in on supervisions.....and they chose [institution].....I think they do like the training here (Melissa, t/c, institution D).

I suggest that this behaviour by training firms may create the impression that these firms feel that the LPC must be taught in a particular way in order for it to be useful and, moreover, that certain LPCs (for example, the one delivered by institution D, which Melissa's firm had chosen) are better than others (see Webb & Fancourt's allusion (2004) to the snobbery which may be engendered in students as a result

of a firm-specific approach to vocational training). Nonetheless, overall Melissa did not attach much value to the LPC generally:

I don't really know what the LPC is doing, to be honest. It teaches most of us a lot of things that we'll never need again; it's very knowledge-based and it's very practical (Melissa, t/c, institution D).

When discussing LPCs which are “*tailored to the future work of trainee solicitors taking up training contracts in commercial firms*” King suggests that what firms require of the LPC is driven by “*pricing pressures*” (2015, p. 190) from clients. There may be a sense in which such pressures mean that there is, for some students, a leap-frogging of the professional socialisation process so that their LPC serves not to make them feel part of a profession but as part of an organisation (their firm) so that “*professional work competence becomes primarily defined and assessed by the work organisation*” (Evetts, 2015, p. 30). This results in a reproduction of firm-related culture

“with certain meanings, competencies, and technologies emphasised, and others simultaneously being deemphasised (or even obscured)”
(Faulconbridge & Hall, 2014, p. 1692).

Indeed, when discussing, at the beginning of the course, her decision not to go to the Bar but to accept the offer of a training contract at her firm Melissa said:

It might have been more about the firm than being a solicitor generally; I'm not sure (Melissa, t/c, institution D).

There is a strong indication here that having a training contract at the start of the LPC is a significant factor in the construction of professional identities which are

relatively narrowly-focussed in both their *outward-facing* and their *inner/personal* aspects. The construction of such identities suggests a tendency not to think much about links with the wider profession. If movement between different sorts of firm and sectors is already limited because of the specialised training solicitors receive, as postulated by Boon & Whyte (2002) then exposing students to a firm-specific LPC must surely make movement even less likely.

Linked with this, I argue, is a sense in which not only does the tailored nature of the formal LPC curriculum have implications for the professional socialisation of students, so also does their own awareness of already having a training contract. This awareness is significant because it appears to reduce some students' enthusiasm for getting involved in LPC-related extra-curricular activity, which again serves to narrow the scope of their LPC experience. It may restrict their exposure to the wider legal profession, other practice areas and to students who have different career plans and, as a result, make it less likely that they can distance themselves from their own situations (McNay, 1999) and form a realistic picture of their own place within the profession, so as to be in a position to bring about change (Bourdieu, 2001a). For Melissa, this unwillingness appeared to stem from a feeling that her LPC year might be her '*last chance*' to enjoy significant amounts of free time before starting full-time work. Shirley and Cassandra both had things they wanted to do in their free time (competing in a marathon and music activities respectively) and Julia (t/c, institution D) said towards the end of the course that '*rather shamefully*' she had not been involved in any provider-related extra-curricular activity over the year. It was striking that such activity appeared to be seen as something of an obligation or necessity, and certainly not as something which might contribute to the *inner/personal* aspect of participants' professional

identities. There was a sense that, since the *outward-facing* aspect of professional identity had been successfully deployed for recruitment purposes, extra-curricular activity was not necessary. Belinda would have liked to get involved in an LPC moot competition but felt there would not be time because of her workload:

I think we got an email about it yesterday...but I guess I'm always like, 'Oh God, I don't have time for that', because it's so intense (Belinda, t/c, institution D).

It is interesting that because these participants, even during the vocational stage of training, had their career paths mapped out clearly for them for the next few years and had arguably established professional identities which were relatively narrow in focus and very much firm-related, they may have been unconsciously limiting the potential for the LPC to encourage a wider sense of professional identity through involvement in a wider sphere of activity. Perhaps participants felt that by this stage of their legal education and training their course was set and there was little scope for a change of direction.

4.4 Participants without training contracts

When discussing their perceptions and expectations of the LPC these participants placed significant emphasis on the ways in which it would help them to get a job. Their focus was, therefore, very much on development of the *outward-facing* aspect of their professional identities and on remedying what they perceived to be their capital deficits. However, as shown in the discussion below, the data suggest a lack of understanding of the embodied and embedded nature of professional identity.

Perceptions and choice of LPC providers

Of the eight participants in the full study who did not have training contracts and therefore did have a choice as to where to do the LPC, a few had chosen their institution because of a feeling that the LPC was rigorous or particularly academic:

when you meet people from [private provider] their knowledge of things like the Companies Act, which we've been studying; their knowledge compared to ours is awful (Helen, no t/c, institution B);

I was told [institution B is] one of the better ones...I didn't want to go to [private provider]; I read a negative article about them doing a lot of e-teaching last year.....I just thought [institution B] was more prestigious (Jennifer, no t/c, institution B);

it's more academic (Rowena, no t/c, institution B).

Issues of practicality and convenience were also significant. For Linda, for example, who chose institution C, the decision where to do the LPC involved deciding between institutions she already knew of, rather than researching the full range of possible providers, and thinking about the following things:

I went there for my degree.....I know the people. Some of my mates went there, as well... I actually got accepted at [a different university]... if I did it there, there'd be less commuting, but..... I don't know.....it would be a bit more difficult in the fact that I've got to learn where everything is, as well as the teaching style again.....rather than what I know at [institution C]. (Linda, no t/c, institution C).

Mary explained that she had done her GDL at institution B and had stayed on for the LPC because it was convenient:

it actually was convenient...I started to do the GDL at [institution B].....I didn't want to change....also there was a £1500 discount, which did help...then it sort of fell into place itself. I mean, if there would have been a university which was much higher ranked, I might have changed my mind, but I didn't have any reason to change (Mary, no t/c, institution B);

and Rowena, too, suggested that even though she thought her own institution's course was 'more academic', her choice of LPC institution had ultimately been rather pragmatic:

in the end it didn't really matter to me, because it was something I just wanted to tick off my list of things (Rowena, no t/c, institution B).

Anita explained that she had chosen institution B partly (but not solely) because:

we have both large groups and smaller workshops and we work with our peers, with different people every time.... (Anita, no t/c, institution B).

Anita's comments suggest a lack of awareness of the fact that this method of teaching is common across LPC courses. Both Linda and Anita, who were identified in **Chapter 3** as participants with little experience of the legal profession in England and Wales, appeared to have chosen their LPC provider without necessarily considering all the possible options in detail, although such students who are disadvantaged by their non-traditional profile, which did not signify the right sort of background (both had 2:2 degrees from post-92 universities) are arguably in most need of the socialising influence of the 'hidden' curriculum of and

extra-curricular opportunities afforded by the LPC in order to “*enhance their strategic understanding of the field*” (Francis, 2015, p. 20) during this crucial LPC period.

The data in relation to choice of LPC institution perhaps show some lack of awareness of the significance that aspects of a student's LPC experience may have. For these participants, choice of LPC provider may be very important. Although the formal curriculum and assessment regime are no doubt factors in this, extra-curricular activity and the ‘hidden’ curriculum also play a part (see also **Chapter 6**) and it is these which perhaps vary more significantly between institutions. **Chapter 6** will argue, for example, that peer relationships, institutional culture and extra-curricular activity may all be very significant in the process. However, these aspects of the LPC appeared in this study to have been relatively insignificant in participants’ choice of institution, even though, as is described below, participants seemed keen to take advantage of the extra-curricular support and activities which were on offer. Given the cruciality of the LPC (discussed above) this is of some concern.

Sophia was at institution D and was relatively unusual at that institution in not having a training contract. She was interested in practising in the criminal field and was discussing with one of her tutors, who had worked at the CPS, the possibility arranging work experience there. She did not specifically mention that she felt demoralised by seeing fellow students who were so much further on in their career but their prevalence was clear throughout institution D’s course handbook. In the context of careers support the handbook made it clear that a significant proportion of students embarking on the LPC already had training contracts but that those who did not would be given careers support.

The handbook also gave details of the firms who were sponsoring LPC students and explained arrangements for institution D to report to the firms on the progress of the sponsored students and the specifications of those firms as regards students' choice of elective subjects. The fact that many students had training contracts was therefore difficult to ignore and although there are no data on this issue it would have been interesting to explore the effect on some students of seeing colleagues who appear to have found the process of obtaining a training contract relatively easy and the difficulty they encounter in their own struggles may easily be misinterpreted as "*evidence that the [possible self] is not a reasonable goal and should be abandoned*" (Oyserman, Bybee, & Terry, 2006, p. 188).

What is the LPC going to do for me?

For participants without training contracts, expectations of the LPC were high so far as development of the *outward-facing* aspect of their professional identity was concerned.

Doing what they could outside the scope of the formal curriculum to secure a contract over the course of the LPC year was an important part of these participants' plans and was seen as being integral to their anticipated LPC experience. They tended to be keen to get involved in extra-curricular activity (particularly pro-bono work) and/or to obtain work experience. It was interesting to note that, by way of contrast, participants with training contracts were less likely to plan to get involved with pro-bono work and other extra-curricular activity.

Jennifer (no t/c, institution B), for example, had by the time of the first interview signed up for two student pro-bono schemes and had also decided, separately from the LPC, to obtain her Police Station Accreditation. Mary (no t/c, institution B)

hoped to do pro-bono work and also obtain a part-time internship and Sophia (no t/c, institution D) to get help from one of her tutors to obtain work experience at the CPS:

I'm speaking to some of the tutors about possibly getting some work experience from the CPS but I'm just not really sure when I would do it because of classes, so potentially it will be next term or even over Easter maybe....just have to wait and see; I think you just have to play it by ear really (Sophia, no t/c, institution D).

These plans, though, tended to be qualified by an expectation that they might be difficult to achieve because of the heavy LPC workload. Mary's thoughts illustrate the point well:

.....so yes, and I signed up for that [pro bono work]. I haven't been for the training yet....of course I need to apply for a training contract as well...maybe if it's possible I might do an internship in between for – say a week or two – but it's difficult to fit it within the LPC.....[Mary then talks of her personal plans for the year].....[and] I hope to get some good grades at the end of the year (Mary, no t/c, institution B).

Mary, along with other participants without training contracts, appeared to feel that there was a great deal to cram into her LPC year and was also perhaps already realising that this was going to be difficult.

Participants without training contracts almost all said at the beginning that they intended to apply for training contracts over the LPC year and many were keen to get help from their LPC provider's careers service in this regard. Helen specifically

mentioned that she needed help with filling in application forms and clearly felt that the support she might get from her provider institution in this regard would be significant and would perhaps help to remedy the capital deficit which might be attributable to her class background and is discussed in **Chapter 3**:

I think I just need to practise answering the questions and something actually that they do do here on the [institution] website, they have some sort of staple answers to questions and pinpoint where they're good and where they're wrong, so when it comes to actually filling in the applications I will go through that... (Helen, no t/c, institution B).

It appeared that Helen's focus here was very much more on securing entry to the profession rather than on building the skills to be an effective member of it; perhaps the structural barriers to entry made it difficult to imagine life within it.

Linda mentioned that at her provider (institution C) it was compulsory for students without training contracts to attend careers teaching sessions at the beginning of the course and Antonia, also at institution C, mentioned that:

on this course they do teach you that you must know people and you must network, so I'm learning that I have to change (Antonia, no t/c, institution C).

Here there was an indication that for some participants there was a hope that the LPC would help to remedy perceived capital deficit. As will be discussed further in **Chapter 6**, participants clearly felt pressure to remedy this deficit within the crucial but very short period of the LPC and there appeared to be a relatively heavy reliance on the sort of experience afforded by provider-based schemes (such as pro-bono schemes). There were clear signs (see discussion in **Chapter 3**) that, for

whatever reason, several participants fell into the category identified by Francis (2015) of

“non-traditional aspirant lawyers who lack the prior experiences and professional contacts that can inform [a strategic understanding of the field]”
(Francis, 2015, p. 20).

At the beginning of the course those participants did not appear to have an awareness of the fact that work experience and other similar schemes, when they are arranged by course providers and not by students themselves, do not tend to carry the same cultural significance or advantage (Francis, 2015).

Participants without training contracts also tended to see the acquisition of skills as a valuable aspect of the LPC. Anita identified interviewing and negotiating skills as being particularly valuable, Rowena mentioned advocacy (she had not done any before) and Antonia general speaking skills. Jennifer and Linda highlighted the acquisition of practical knowledge and Linda explained the nature of the course as one where *‘you’re learning how to actually do stuff’* (Linda, no t/c, institution C). With relatively little work experience, experiences of even simulated legal practice were seen as being useful for giving participants some idea of how life in practice might be.

Overall, then, and not surprisingly, participants without training contracts had employability very much at the forefront of their minds. However, the data suggest that they may not have had an understanding of the *“duality of employability”* described by Brown & Hesketh (2004, p. 24). The experiences they hoped to gain in the course of the LPC might mean that they would be better able to ‘tick the box’ in relation to formal criteria for entry to the profession but this did not mean that

their *relative* employability would be enhanced (Brown & Hesketh, 2004, p. 24).

What they appeared not yet to have understood was that demonstration of the required sort of *outward-facing* aspect of professional identity is extremely difficult if one has not developed the sort of habitus which encompasses a gradually collected range of valuable social and cultural capital.

Participants without training contracts did not appear to expect that the LPC would seek to engage them in issues to do with the development of the *inner/personal* aspect of their professional identities and with any sort of critical appraisal of the structures of the profession and their focus was very much upon succeeding on the course and getting a training contract. Perhaps to look beyond that was a luxury they felt they could not afford; it is important to remember that the participants in this study, even at the beginning of their LPC, had only nine or ten months left before their formal education would come to an end and they would, at least in theory, be in a position to start full-time work as a member of the legal profession. Rowena summarised her view as follows:

the way I see it, the LPC is just a stepping-stone and in the end it's just more skills, and it will make me more employable and, hopefully, I'll get a training contract out of it (Rowena, no t/c, institution B).

As Larson points out (2013) in relation to the professions generally, there comes a point in any long process of education and training where one feels that it is 'too late' to change course. Having invested significant amounts of time and money in training to go into the legal profession participants felt pressure to get a job and **Chapter 6** shows that such feelings were even stronger as they came to the end of the course. Perhaps it is not surprising, then, that students in the course of the

LPC did not appear to have issues to do with the development of the *inner/personal* aspect of their professional identities at the forefront of their minds. Mary did make brief mention of this, but was of the view that it would not happen on the LPC:

I don't think there is anything in the course that's ethical or anything like that – it's something we don't get taught about.....I think if you had a little course on the LPC on legal ethics, I think that would change you.....[so that] you operate in a genuine way towards your client.....I find this fairly important, so that you sometimes reflect to yourself: 'can I do this? Is this right? Do I feel right about myself when I do this?....if not, do I want to change it?'

(Mary, no t/c, institution B).

Because of this, there was perhaps little chance of achieving the “*distanciation*” which is a necessary part of reflexive identity transformation (McNay, 1999, p. 110).

4.5 Conclusions

This chapter has discussed the data obtained from participants in the full study, as they began the LPC, in relation to their perceptions and expectations of the course.

It began by considering the context in which students undertake the course. I argue that this is important because it is likely to affect their perceptions and expectations of their LPC experience. I suggest that because the stated purpose of the course is to teach students the knowledge and skills they need in order to undertake the practical work of a solicitor rather than explicitly to address issues of

professional identity, expectations of and attitudes towards the course are narrowly defined. Overall, the data in this study suggested that participants did not fully appreciate the potential wider significance of the LPC in the process of professional identity formation, and participants appeared generally to have a sense that LPCs are '*much of a muchness*' (Melissa, t/c, institution D) and had thought relatively little about possible differences between provider institutions.

The tendency by participants not to foreground issues of professional identity development during the vocational stage of training may suggest that they did not expect to reflect on these issues during the LPC or to think about the possibilities for working in legal practice in a different way, with reference to "*a wider values-based approach to professional identity*" (Webley & Duff, 2007, p. 374).

Alternatively it may simply be that participants recognised these aspects of legal professional culture for objective realities (Bourdieu, 1990a) and did not think about whether they might want or be able to contribute towards changing them; although there may be scope for "*a reflexive identity transformation of both the profession and the individual entrant*" (Sommerlad, 2007, p. 193) the power of those at the edge of the field (such as women coming into a training contract) is limited (Battilana, 2006; Francis, 2011). Whatever the reasons, this issue may be of particular significance for women because it is suggested they that are most disadvantaged by the prevalence of such male values which inevitably categorise them as professionally inferior.

I have argued that there were subtle indications in the data of perceptions of the profession which were gendered and that these gendered aspects were accepted somewhat uncritically, especially amongst those with more firm-related identities. This lack of criticality in relation to issues of gender may be concerning if it

suggests an acceptance of the hegemonic masculinity (Sommerlad, 2002; Tomlinson et al., 2013) within the profession, particularly amongst the participants who had training contracts and who, even once they were working in a male-dominated environment, would in spite of their gender be in a relatively strong field position within the profession (Dillabough, 2004) by virtue of their position within elite firms and therefore in a better position to effect institutional change (Battilana, 2006).

The data revealed some striking differences between participants who did and did not have training contracts. For some participants with training contracts it appeared difficult to see the LPC as a valuable experience unless it had been added to and/or endorsed at a particular institution by their training firm. This is an important issue because it has implications for our understanding of students' conceptions of legal professionalism and the legal profession. I suggest that for some participants the status of the LPC was not such that successful completion of the vocational stage of training would necessarily confer the sort of shared social honour envisaged by Weber (1968). Rather, the LPC was seen as something akin to an induction to their training firm (Faulconbridge & Muzio, 2009) and there was little inclination to think much about the wider profession. This may in its turn have served to reinforce the senses of fragmentation and hierarchy which exist within the profession (Bolton & Muzio, 2007; Flood, 2011).

It may be significant that many students with training contracts take a narrowly-focussed LPC, which may have the effect of constraining their future mobility and opportunities to work in different legal environments. In this chapter I have suggested that in this study the narrow focus of the tailored course may have been further accentuated if participants with training contracts chose not to do much in

the way of extra-curricular activity on the LPC. In this way, opportunities to reflect on the wider legal profession and the *inner/personal* aspect of their own professional identities were limited – overall, these participants may not have been in a position to take advantage of the possibilities offered by the LPC and, moreover, did not expect to do so.

For participants without training contracts, rather different things were expected of the LPC and it may be that these participants in fact expected too much of it. There appeared to be a perception that the LPC would help with employability and the further development of the *outward-facing* aspect of professional identity which I have argued that students need in order to enter the profession. Indeed, those without training contracts appeared to see the course as a way of curing their capital deficit (see **Chapter 3**). They may not all have been fully aware that successful completion of the LPC (and a CV which reflects associated extra-curricular activity) may not cure such a deficit because it does not in itself confer the distinction required by recruiters (Francis, 2015), which in reality may be constituted in credentials which, for those without connections, are much more difficult to obtain, such as personal recommendations (Larson, 1977). With employability in mind, participants without training contracts, as well as being keen to do well on the course, tended to try to access as much as possible of the informal LPC provision at their institution, such as opportunities for pro bono work and careers advice. Much was expected of the LPC by them, but it appears that little of it was related to development of the *inner/personal* aspect of professional identity.

The data explored in this chapter suggest that participants in this study had, for a variety of reasons, expectations of and attitudes towards the LPC which were not

directly linked with wider issues of the *inner/personal* aspect of professional identity formation. They did, however, tend to have expectations relating to the development of the *outward-facing* aspect of their identities; some as members of a particular firm, and some as aspiring entrants to the profession.

The next two chapters will discuss data linked to the following research sub-question:

What is the significance, and how does it vary between female students from different class backgrounds, of different aspects of vocational professional training and the LPC curriculum?

Chapter 5 – Student identities and polarity at the end of the LPC: striding out?

Chapters 3 and 4 of the thesis have explored the state of participants' legal professional identities as they began the LPC, and the place of the LPC (including participants' perceptions of it) in the process of professional identity formation.

This chapter and the one which follows it progress the study by exploring participant professional identities as they finished the LPC, drawing on data obtained both from the second set of interviews in the full study and from interviews carried out in the initial study. These were carried out as students came to the end of the LPC and the data obtained address the following research sub-question:

What is the significance, and how does it vary between female students from different class backgrounds, of different aspects of vocational professional training and the LPC curriculum?

This chapter focuses on the experiences of students who had training contracts. As has already been mentioned in this thesis, the data revealed such striking differences between the experiences of those who did and those who did not have training contracts that the thesis uses that distinction as a structuring framework for discussion of the data. The experiences of the LPC of those participants who did have training contracts had been influenced by their field position; they were individuals whose feel for and understanding of the structuring properties of the field had already enabled them to acquire the social capital of a training contract, so setting them apart in terms of

“their present and potential situation....in the structure of the distribution of power (or capital) whose possession commands access to the specific profits that are at stake in the field” (Wacquant, 1989, p. 39).

It is argued that formal education and training are important aspects of professional status. It is argued that *“formal education now occupies the core of every profession’s self-conception”* (2015, p. 206) and that a *“common and clearly defined basis of training”* (Larson, 2013, p. 45) is one of the defining features of a profession. I have, earlier in the thesis, suggested the potentially important role of the LPC in this regard and in light of this it is worth interrogating in some detail the effect of the course by looking at participant experiences of different aspects of the LPC provision.

An examination of the data strengthens the argument advanced in **Chapters 3 and 4** that participants’ experiences of the LPC vary dramatically and are significantly influenced by class background and, in turn, by whether or not they have a training contract at the start of the course.

5.1 The effect on professional identity of aspects of the LPC provision: formal and informal curriculum

With the aim of giving as full a picture as possible of their experiences of the course, participants with training contracts were asked to talk not only about the formal LPC curriculum but also about other aspects of their experience. The data obtained suggested that aspects of the informal/extracurricular provision and of the ‘hidden curriculum’ discussed by Posner (1995) were also highly significant in terms of professional identity development.

The formal curriculum

Chapter 4 explains that the purpose of the LPC is to ensure that students can perform the technical and practical tasks required of a solicitor. The formal curriculum reflects this; all students must study modules and pass assessments in the three compulsory subjects (civil and criminal litigation, business law and practice, and property law and practice), the skills subjects (legal writing, drafting, advocacy, interviewing and advising, and legal research) and three pervasive subjects (professional conduct and regulation; wills and administration of estates; and taxation). They must also study and pass assessments in three elective subjects of their choice (see **Chapter 3**).

By way of reminder, in the full study, five of the 14 participants had training contracts in England and Wales (in the initial study the figure was three out of nine. Of the five, most knew that upon qualification their role would be quite specialised and that as a result they were very unlikely to make direct use of quite a large chunk of the formal curriculum. For example, Melissa (t/c, institution D) would be involved almost exclusively in corporate finance work and Belinda, Julia and Shirley in commercial work. Biographical information on the three participants in the initial study who had training contracts is set out at **Table 2.2**.

Attitudes varied in relation to the rather more general nature of the formal curriculum, but there was a distinct sense that some felt the LPC was not useful to them and was too easy. Amongst the students with training contracts there was also a strong sense of embeddedness within the profession and that there was no need for the LPC to do anything but show them how to do tasks they might have to do in their firms. These attitudes contrast significantly with those of participants

without training contracts, which are explored in the next chapter. They tended to say that the formal curriculum was valuable for a number of different reasons.

Melissa's view in relation to the compulsory subjects was that:

I don't think any of the compulsory subjects really helped....I mean...if I stay at my firm....I can't qualify into those areas... (Melissa, t/c, institution D).

In a similar vein in the initial study, Alice (who had a training contract and was going to a commercial firm) commented that:

this course cost more than my whole degree at [Oxbridge], and I feel that a lot of it was irrelevant to me, and a lot of things I find useful would have been irrelevant to other people.....literally half my course I will never use again....(Alice, t/c, institution A [initial study]).

Ironically, so significant had the financial cost of the LPC been for Alice (her firm had met her tuition fees and provided a limited maintenance grant but this had still left her short of money) that she felt it had even constrained the career decisions she was able to make:

not only the LPC cost £10,000, but we had to maintain ourselves through the GDL and the LPC obviously, and the opportunity cost, I've had to be, I've had to choose money much more than I otherwise would have (Alice, t/c, institution A [initial study]).

Being required to study subjects that were unlikely to be of immediate use in practice appeared to have heightened awareness of the segmentation and stratification of the profession (Bolton & Muzio, 2008; Sommerlad, 2012a) and the data suggested a perception of the superiority of some practice areas over others.

This came out particularly strongly in relation to several of the skills (advocacy and client interviewing), which some participants with training contracts felt were of limited relevance to their anticipated careers. Although some appreciated that they nonetheless had been an opportunity to learn transferable skills (one participant mentioned that she was unlikely to do advocacy but could see that it was good practice for any situation where she would need to present an argument in public) there was nonetheless a suggestion that the commercial work they would be doing was more important than some private client work. Julia explained that:

as for interviewing and advising, I'm not overly sure, because we were told 'most of you aren't going to be doing this for a good few years'....I think it's probably inevitable given that you're more likely, probably, to be interviewing and advising as a trainee or NQ if you're at a smaller firm.....I think there are good reasons behind it, in manpower, and, what the client's going to need.....and how big the client is; they're going to want the best possible – and I do appreciate that I'm not going to be able to do that right away. Whereas if you're advising on a small matter where it's not a million pounds . . .it's perhaps not such an issue. There's not as much pressure. Or rather, it's not so much of an issue if you get it wrong. So I can definitely see the logic in it (Julia, t/c, institution D).

Melissa felt that all the skills subjects had been too easy and commented that this might be because she was quick at grasping new ideas and was therefore well-suited to what she saw as the more difficult types of work with which she would be faced. It was interesting that the difficulty of work seemed for these participants to be measured in intellectual terms; and its importance in terms of the extent to which money was involved. Applying these measures they felt that the sort of work

they would be doing was both important and difficult and, by implication, there was a suggestion that work which was not measurable in monetary terms and which might be difficult in other ways, because it involved emotional labour (Westaby, 2010), for example, was less valuable. As mentioned in **Chapter 3**, it is arguable that these assessments were made on the basis of a classed assumption that there is value in the intellectually difficult (Reay, 2004).

Chapter 6 will demonstrate that these participants' feelings of confidence in relation to new ideas are a far cry from the feelings of some of the participants without training contracts who valued the formal curriculum for a number of reasons; one being that it had helped them to be more confident when talking to strangers. Their feelings served to highlight the deficits they felt had existed in their stock of social and cultural capital and which students who had accumulated such capital and fairly easily developed their professional identities would not even have considered because of the "*sense of understanding and belonging*" (C. Burke, 2016, p. 14) which they had, as a result of their more privileged class backgrounds, been able to develop. As King (2000) explains, habitus develops according to a person's socio-economic position and as I have already suggested, the data in this study indicated that these participants who did have training contracts had been in a position to develop the right sort of *outward-facing* aspect of their identities because of the relatively privileged class background from which they tended to come.

Melissa, who did have a training contract, explained her view as follows:

It may be different..... I don't know if you can say it's harder because maybe some of the stuff that they do, although it's maybe not quite as difficult,

maybe, again, it can require different skills because you're dealing with much less sophisticated clients and things like interviewing probably are very important, and wills and things like that. But, I think maybe, for the type of lawyer that I want to be, if you want to be that sort of lawyer you should be getting 100% in all of the skills. So maybe, yes, it is harder; I mean it's slightly more competitive.....I suppose you deliver value in that you can grasp complex ideas, handle information very quickly, and go through it a lot faster than perhaps other people can. That's why you might find something like drafting, easy and straightforward. Yes. (Melissa, t/c, institution D).

Some participants who had training contracts did appreciate the general nature of the formal curriculum because they thought that it was useful to know how other areas of practice worked, and saw this as an aspect of professionalism. Here, though, Belinda (t/c, institution D) commented that she had been unusual amongst her firm-specific group in feeling like this:

I did actually really quite enjoy it, which was quite different from other people in my class, or friends that I had, who were like 'why are we doing this?'....I think it could be the case that if you were going into other practice areas, some of the core subjects would feel very removed and irrelevant, but, that having been said,it's like this basis of general knowledge...people will know you're a solicitor...you're not just having a job, you're going to have a career.....it's still good to have these kind ofbuilding blocks, that you could maybe try and think through something or you know you are meant to know about these things because you're a profession as a whole..... (Belinda, t/c, institution D).

The more instrumental view which was taken of the formal curriculum by a number of Belinda's colleagues is further reflected in the data relating to specialised, firm-specific aspects of the LPC year. A number of participants had had their LPC skills training supplemented by training sessions which had, at their training firm's request, been delivered by institution D as an add-on to the formal curriculum. The reaction to these sessions was positive because it was felt that they were more relevant to what was to come during the training contract. Shirley commented as follows in relation to the drafting-related session:

that was fantastic....a lot more helpful than the [LPC] actually was on it...that was just a whole day at the firm (Shirley, t/c, institution D).

The electives stage of the course was, for some participants, a doubly firm-related experience. Almost all of the students in the full study who had training contracts had been told which elective subjects they should choose. These were chosen by the training firms because they related closely to their main areas of practice. In addition, it was for the teaching of the elective subjects that participants had been taught in firm-specific groups. For Melissa this was a much more positive experience because she did feel that what she learned in this part of the LPC was, in contrast to what she had learned during the compulsory subjects, going to be useful to her in practice and was not simply a *"temporary impediment to the 'real world' [of legal practice]"* (Manderson & Turner, 2006, p. 654):

it's made me want to do the work a lot more and to want to read around subjects and to get a grasp on things is actually quite rewarding because you think 'this will be important when I start'...and the trainees in the year above us [at her training firm] said 'it's important to know what's going on in

your elective subjects because that will be what you are doing when you arrive', so that's definitely made me feel more positive about the LPC
(Melissa, t/c, institution D).

It appeared therefore that Melissa's professional identity was very much organisational in nature (Burke Robertson, 2011); as already mentioned in **Chapter 3**, she had become a solicitor because she wanted to work for a particular firm, not because she had decided that the solicitors' profession was one of which she wanted to be a member. She was, perhaps, an example of the way in which, according to Ashley and Empson (2016b), elite professional firms recruit in such a way that they differentiate themselves from the rest of the profession and that non-elite firms are seen as 'other'.

For Julia, on the other hand, the electives were disappointing because they were *more* narrowly-focussed than she would have liked:

I must say that I found it very corporate-y....I preferred the variety of the first term....I think what I'm doing here is more corporate than I will end up doing....I think it would have been better for us if instead of having three electives chosen for us we'd had two chosen for us....(Julia, t/c, institution D).

This choice of electives and the firm-specific supplementary training which happened in relation to certain skills (see the discussion of in-house drafting training above) contribute to the sense that these participants with training contracts were receiving a somewhat bespoke and specialised experience. They saw this as a good thing, which is perhaps not surprising given that, as pointed out by Faulconbridge & Muzio, *"the benefits of such firm-specific programmes*

according to those adopting them are multiple" (2009, p. 1350) and it is likely that these participants had been told this by their firms.

It is difficult to see how the formal curriculum in its present form could in any way support a contention that the process of professional socialisation really involves a *"common and clearly defined basis of training"* (Larson, 2013, p. 45) or could constitute any sort of *"platform for occupational cohesion"* (Faulconbridge & Muzio, 2009, p. 1341). Not only does the substance of the LPC vary between participants but so too (and this appears to link to the degree to which participants feel they are already embedded within the profession) does their attitude to it (see also discussion in **Chapter 4** on this issue). In this way attitudes to the formal curriculum show clearly the way in which experiences of the LPC vary across and intersect with aspects of participants' identities. The specialised and bespoke nature of the elective elements and specialised teaching arrangement did little to challenge hegemonic conceptions of the hierarchical segmentation within the profession. The formal curriculum might therefore be better described as a platform for occupational fragmentation and for the reinforcement of feelings of distinction (Bourdieu, 1984).

Given the need for the formal curriculum to be outcomes-related (see **Chapter 4**) it is in the informal curriculum that one might expect to find more emphasis on and attention to development of both *outward-facing* and *inner/personal* aspects of professional identity. However, for a variety of reasons (which tended to vary depending on whether or not participants had training contracts) the participants in this study appeared not to have spent significant amounts of time engaging with the informal curriculum and so its effect was limited. In the following section I discuss the experiences of those who did have training contracts.

The informal curriculum

I have mentioned in **Chapter 4** that on the whole students with training contracts tended to feel less need to access the informal LPC curriculum than those without. A few did get involved in pro bono work; of those, some saw it as something which would contribute to their professional development while others saw it as a way of 'giving back' to society. The more detailed data discussed in the next chapter in relation to attitudes to and involvement in the informal curriculum amongst those without training contracts do suggest, though, that this aspect of the LPC experience is capable of having a significant effect on students' legal professional identities, particularly the *inner/personal* aspect. Having less involvement with the informal curriculum may have meant that participants were 'missing out' on the opportunity to reflect on this aspect of professional identity and interrogate their own attitudes. There was perhaps a sense in which

“by following the paths laid out for them, students reproduce the status quo, so it is unlikely that elite students would provide a significant challenge to the educational process” (Schleef, 2006, p. 7);

In Bourdieusian terms, it is those who enjoy distinction in a field, and who are powerful within it, who are least likely, because it is not in their interests, to *“expose the arbitrariness of the taken for granted”* (Bourdieu, 1977, p. 169). The position might have been different, of course, had these informal aspects of the curriculum been a compulsory aspect of the LPC provision.

Guest speakers

In this study several participants identified aspects of talks by guest speakers which they felt had been significant to their development as lawyers (sometimes they had been significant for the *outward-facing* aspect of their professional identity and sometimes because they had encouraged participants to think about the *inner/personal* aspect of their identity). The significance attached to these talks may have been due to the fact that they related explicitly to gender and to career prospects and so had addressed two of the profession's 'elephant(s) in the room' in a way that the formal LPC curriculum had not, because of its regulatory emphasis on technical competence. However, a tendency to access the informal curriculum less frequently meant that participants with training contracts may have been less likely to be exposed to these experiences.

In relation to gender, two participants at institution D (one without a training contract, whose experience is described in **Chapter 6**) described a talk they had been to entitled 'Women and the Law' which had recently been given by a female guest speaker who had reached a senior position within the profession. It appeared that the message of the talk had been that the solicitors' profession is 'a man's world' but that it was nonetheless possible to succeed as a woman. Belinda (t/c, institution D) had been to the talk and commented that she had not, beforehand, thought much about the masculinisation of the profession:

the way she spoke was very much as a woman in a man's world, whereas I very much feel as if I'm going in as a solicitor into a profession [which is] gender neutral, because in my classes in everything so far it hasn't been significant that I'm a woman that's applying to do this, whereas [in] her

career, from the way she spoke about it.....it was very significant that she was a woman...(Belinda, t/c, institution D).

The experience of hearing this guest speaker appears to have been significant for Belinda because she was made to think about the realities of being a woman in legal practice in a way that did not seem to have happened until then. The issue had not been addressed in the course of the formal curriculum and so this was perhaps the first time she had been encouraged to think about the possibility that her assumption that *“the road has been paved for [women] and that obstacles have been removed”* (Costello, 1997, p. 913) was wrong. However, even though the apparent silence in relation to issues of gender had been broken, and gender was being addressed in this part of the informal curriculum, it was nonetheless happening in a way which appeared to be accepting of the status quo and certainly did not appear to identify or question the more subtle ways in which it is argued that the professions are masculinised (C. Davies, 1995; Haynes, 2012; Witz, 1992), with the legal profession being no exception (McGlynn, 1998). Indeed, McGlynn suggests (1998) that masculinisation of the legal profession may be so much taken for granted that neither men nor women are always capable of noticing or naming its manifestations.

The limited data relating to guest speakers suggest that they were capable of delivering powerful messages in relation to the realities of life in practice; these had not been delivered by the formal curriculum, the role of which was to ensure technical competence.

The informal curriculum provides an obvious opportunity for development of both *inner/personal* and *outward-facing* aspects of professional identity. However, it is

by definition an add-on to the formal curriculum and this means that it is generally not allocated time in the course timetable, with the result that participants had limited time to engage with it in what was a busy and demanding year. Those with training contracts tended to access it much less than those without (**Chapter 6** discusses the experiences of the informal curriculum of those without training contracts) and the data suggest that this was because they felt that it was something to be engaged with for the purposes of getting a job rather than because it would be of any wider use, interest or significance. Once again, these attitudes are not surprising given the stated aims of the LPC but they do suggest a lack of awareness of the importance of developing the *inner/personal* aspect of professional identity so as to try to avoid identity dissonance (Yang Costello, 2005) and ensure the comfort of authenticity (Hitlin, 2003).

5.2 The ‘hidden’ curriculum: relating to others and institutional culture

This section deals with the effect on participants who had training contracts of some of the less tangible aspects of their LPC experience: their relationships with tutors and peers, and the significance of institutional culture. It suggests that for a variety of reasons there was little scope for these participants to be encouraged to question the “*presuppositions of the game*” (Bourdieu, 1990b) of the solicitors’ profession.

Tutors as role models

In order to teach on the LPC one is required to be a qualified solicitor or barrister. This means, of course, that all LPC tutors have some experience of working in legal practice. As such, it seems logical to assume that they have developed legal professional identities which will include *outward facing* and *inner/personal*

aspects and that they may well in turn influence LPC students in the formation of these aspects of their own professional identities. Of particular significance in this study is the fact that I know from my own experience that very many LPC tutors are female (seven out of 14 permanent members of LPC staff at institution A in the academic year 2012-13 were female) and that there may therefore have been an opportunity for tutors to engage students in informed consideration of the implications of gender in legal practice.

There is some discussion in the literature of the position of female legal academics (see for example Cownie, 2004; McGlynn, 2003; C. Wells, 2003) but very little relating to the ways in which those academics (or female tutors on legal VPT courses) are perceived by students. Data in the full study indicated that participants' interactions with their tutors had some unexpected significance for the development of their professional identities but that influence so far as modelling ideas of professionalism was limited.

It might have been expected that tutors' influence would be significant in the development of both *outward-facing* and *inner/personal* aspects of participants' professional identities (see the role ascribed by Kennedy to US Law School staff who, he suggests, '*model for students how they are supposed to think, feel and act in their future professional roles*' (1982, p. 66)), but the reality appeared to be somewhat different and in fairly marked contrast, and there did not appear to be any dramatic differences in this regard between participants with and without training contracts.

The *inner/personal* aspect of professional identity and notions of professionalism both concern values and ethical principles. While professionalism is to do with

“institutional values and ethical rules” (Nicholson & Webb, 2005, p. 169), the *inner/personal* aspect of professional identity is to do with both internalisation of those institutional ideas and the way in which they intersect with *“the character and values of each lawyer, as a moral agent”* (Nicholson & Webb, 2005, p. 169). I argue that, because of this, the teaching of professionalism has the potential to influence the development of the *inner/personal* aspect of students’ professional identities.

The effectiveness of teacher role modelling in teaching professionalism in a medical context is widely acknowledged (see for example Cruess & Cruess, 2012; Passi et al., 2013; Ray, 2010). In a legal context, Kennedy (1982) suggests that teachers play an important part in role-modelling within the US Law School (where, it must be remembered, the set-up differs in several respects from that in England and Wales) . By way of contrast, in this study participants with training contracts tended to say they did not have a clear sense of their LPC tutors as role models. Two possible reasons for this emerged from the data and I suggest a third below.

First, it is suggested in the literature in relation to medical education that when teaching professionalism through role modelling it is important to be explicit about what you are trying to do (Cruess & Cruess, 2012). None of the data in this study suggested that this was being done, and indeed such behaviour is not required by the formal LPC curriculum. Participants quite often said that they saw their LPC tutors as teachers and sources of information, not as models of professional behaviour:

most of them will just deliver the material, I mean they'll tell you a little bit of what it would be like in practice. They will say things like, 'You will go into a meeting and there will be lots of people, and you have to sign things, and put things in order, you will have to send off this form to Companies House', but there's nothing kind of beyond that..... actually, no, to be fair, there are some exceptions, a few do. The criminal litigation tutor was very good at that actually, but generally they're quite, just, 'Here it is! This is what you need to know' (Melissa, t/c, institution D).

Some participants did appreciate that tutors were modelling professional behaviour. Julia, for example, said that:

I think in general they are there to give you a bit of a model of a lawyer
(Julia, t/c, institution D),

However, in general the sense that tutors might be role models did not come through strongly and when participants said that they had tutors who were role models it appeared that they were referring to the modelling of technical skills and behaviours which might be seen as components of the *outward-facing* aspect of professional identity:

there was one particular lawyer and teacher who I think was excellent in that – very good, I mean a great female role model ; she'd worked in a City firm and she did [unclear] and I think her quite 'straight down the line' attitude to detail ,attention to detail, attention to being on time, having things done on time, working until you get the solution, you get the question sorted, get the solution, I think was really inspiring (Cassandra, t/c, institution D).

Second, it emerged from the data that across the study participants were conscious that on the whole their tutors were no longer in legal practice. Participants tended to be curious about their tutors' reasons for leaving practice. Where female tutors were concerned they tended to assume that they had left practice because they wanted to have children or, more generally, a better work-life balance. Belinda (t/c, institution D) commented that she felt that one of her (male) tutors was

slightly worn down by the profession, and so he just says with glee that we're off to go and do it (Belinda, t/c, institution D).

Melissa suggested that some students might take a harsher view:

we don't know why any of them left or what happened while they were there really, what their trajectory was. It's all a bit of a mystery really, apart from what they did day-to-day. I think generally, people are quite harsh, most people do say they are failed lawyers.....which is not at all true but that's the assumption..... But yes, I think people generally do have quite low expectations from LPC tutors. Maybe it would be better if they all said why [they left practice].....Maybe it would be better if they actually said, I decided to teach because I wanted more time for myself. Which I think people would understand a lot more and they would have more respect for them. So no, it's never really spoken about at all (Melissa, t/c, institution D).

It seems, then, that two assumptions were sometimes being made about LPC tutors. One was that they were not good lawyers (see Celia Wells' discussion of women in senior legal academic roles, and the suggestion that "if women can do a job, it can hardly be such a big deal" (2003, p. 231), and also studies such as

Boring, Ottoboni & Stark (2016) which indicate that students exhibit gender bias in their evaluation of the effectiveness of their university teachers). The other was that they had left legal practice because they could not reconcile their personal and professional lives. So, then, even if tutors were explicit about modelling professionalism it is difficult to see how this would be useful to students, particularly in the case of female tutors who, it seems often to have been assumed, could not continue their career in practice once they decided to have children. There was a sense in which a discussion about being an LPC tutor was one about leaving practice rather than wanting become a tutor, which may suggest that tutors cannot easily be seen as models of 'how to do things'; by leaving practice they have shown that they are not typical of the legal profession. Indeed, the findings of Willis' study (2010) of LPC teachers even suggests that tutors may have a tendency to seek to shield students from their own negative reflections on legal practice and so miss opportunities to tell them about the realities of practice.

The third and final reason that it may have been difficult for participants to see their tutors as clear role models stems, I suggest, from the non-situated nature of legal vocational courses, where legitimate peripheral participation (Lave & Wenger, 1991) cannot take place, even though the solicitors' profession does have a historical attachment to situated learning (Ching, 2015). It may be that this is a very significant difference between medical and legal professional training. It is fairly common now even in undergraduate medical degrees for students to spend time in a clinical setting as a compulsory part of their course (for example in undergraduate medical degrees at the University of Southampton (see Southampton University website FAQs on undergraduate medical study), and this has of course always been part of postgraduate medical study.

For medical students then it is perhaps much easier to see their teachers as role models because they have an opportunity to observe them in real-life practice. For participants with training contracts, however, although they *can* observe solicitors in real-life practice those solicitors are lawyers in their training firm, not lawyers who are delivering vocational professional training.

A discussion of the potential for female tutors to act as role models begs the question of what we want them to model; the discussion in this chapter has been about modelling ideas of professionalism but it is important to remember that those ideas and behaviours may be gendered along the lines discussed in **Chapter 4**. Kennedy (1982) makes the point that

“.....[black and] women law teachers give the impression of thorough assimilation to that style [the style of white, male, middle-class teachers], or of insecurity and unhappiness.....the teacher sets the tone – a white, male, middle-class tone” (p.69).

Even were a conscious attempt at role modelling to be made, it would first be necessary to decide what values and principles ought to be modelled. This sort of debate is *“not the work of a moment”* (Nicholson & Webb, 2005, p. 169). However, while it does not happen, and while participants said that they did not see their tutors as role models, the reality may be that those tutors were unconsciously modelling, and participants were unconsciously assimilating to, behaviours which endorsed the professional status quo. As Boegioil (2003) suggests in the context of women in the French judiciary, male domination can be so tenacious that it affects the way both men and women think, and in this way that domination is in fact supported by both men and women alike (Bourdieu, 2001b).

Peer relationships

There is some literature concerning the significance of peer relationships in the context of legal education but this tends to focus on their effectiveness so far as formal learning is concerned (see, for example, Webley (2011)). Here, I am concerned more with considering the effect of these relationships upon the process of professional identity formation and in this area there has been little written (although in the US context see Kennedy (1982) and Yang Costello (2005)).

It is worth noting that potential for significant peer influence in the LPC context may be limited because the course is of only one year's duration which means that there is not the scope for students to be socialised by students from higher year groups, although this phenomenon was observed by Yang Costello in her study of students on a longer, three-year course at a US law school (2005). As a result, peers on the LPC were direct competitors (they would all be leaving their institution at the same time) and this seems to have been something keenly felt by both those with and without training contracts, but for slightly different reasons.

The data in this study suggest that there is little explicit recognition amongst participants, in the context of the LPC, of the potential positive significance of peer relationships in the formation of professional identities (see for example Dryburgh, 1999 whose study of female engineering students suggests that the professional training processes in which they were engaged served to instil strong feelings of solidarity amongst students). Instead, it was common for peers to be seen, by participants who had training contracts, as competitors. In this sense they represented challenges to participants' construction of the *outward-facing* aspects

of their professional identity, leading them to think that they needed to improve their identity performance in order to succeed. In this sense, peer influences and norms appeared constantly to be provoking the development of habitus (see MacArthur, Jacob, Pound, Hickman, & Campbell, 2017).

For participants with training contracts fellow students were often seen as people against whom they would be in competition in future, for example when applying for jobs on qualification. This was particularly concerning when it was coupled (as was the case for several participants) with the realisation that their hitherto exceptional achievements might not, in practice, be enough to distinguish them from their colleagues and in this sense peers were used as a form of “*mirror*” or “*yardstick*” (Yang Costello, 2005, p. 55).

In this study, participants’ observations included the following:

these are people who, they’re not competitors, but they’re out there as well, they’ll be applying for the same jobs [later in professional life], you know, they’re in your same career, so you need to raise your game (Lorna, t/c, institution A [initial study])

by spending a lot of time with the other students it’s reinforced the idea that everyone is very competent and very good and maybe it’s more difficult to stand out than I thought....I think I’d need to define quite carefully what it was when I got to the firm that made [some] lawyers more successful than others....it may be less obvious than I thought (Melissa, t/c, institution D).

Again, it was clear that participants were internalising peer norms which were, in turn, having a structuring effect on their habitus (see MacArthur et al. (2017) for a

detailed Bourdieusian analysis of the effect of peer influence). It appeared that a number of participants felt slightly daunted by the realisation that although they had been used to achieving well academically they were, during their VPT, in the company of people (both men and women) who had also done so and that therefore it was now more difficult to be among the best; it has been acknowledged elsewhere that this is an uncomfortable aspect of postgraduate legal study (Merrow, 2015).

At institution D, such feelings of insecurity were perhaps accentuated by the firm-specific teaching arrangements in place for Stage 2 of the LPC (the elective subjects). Shirley (t/c, institution D) commented that in Stage 1 (the compulsory subjects, when she was not being taught in a firm-specific group) she had felt that the group was of more mixed ability and that she was one of the more able students; as a result, she had felt more confident about speaking in class, whereas she felt less confident once the electives began:

I think with the electives....because I'm with everyone who is going to my firm, I think everyone is, I wouldn't say competitive but I would say they encourage....and because everyone is very good in the seminars...that really spurs you on and makes you want to do just as well....at the end of the day they are your future colleagues.....[whereas in relation to the compulsory subjects]...I don't know if it was the subject that was different or the fact that the abilities were slightly different but did feel, I suppose, more confident at speaking out in the [compulsory subjects] where there was a mixed group of people (Shirley, t/c, institution D).

It seems clear that peer relationships did encourage participants who had training contracts to think about the *outward-facing* aspect of their identities and the data suggest that in this sense peers may have highlighted to participants the need for continuous and strategic reflexive development (Sweetman, 2003).

Finally, and perhaps most significantly for participants with training contracts, interactions with peers were an opportunity to consider the different career paths they might have taken. For example, both Shirley and Julia (both t/c, institution D) talked about the fact that in Stage 1 of the LPC they had been in teaching groups with students who had decided to go into practice areas which were different from theirs, such as family law. Shirley explained that:

just being exposed to different areas of law, I suppose, just makes you think 'Oh, well, maybe that would have been an interesting prospect as well'. But I am 100%...I'm really interested in [practice area] law....and I'm absolutely loving it.....and I really enjoy it. And that's what I want to do and that's what my firm is good for. So yes, it's been a good fit. (Shirley, t/c, institution D).

Belinda, on the other hand, commented that on the LPC:

I haven't met anyone who's doing anything wildly different. Most of the people that I've made friends with have training contracts already and are going to corporate or commercial firms.....I [haven't come across] anyone who, for example, is going to, like, a family setup, or private client or what have you, that would have made me think....that could have made me think 'Maybe I should go there'. (Belinda, t/c, institution D).

These participants identified the possibility that exposure to fellow students with a preference for different practice areas might lead one to decide that another area might be more suitable or attractive but remained committed to their chosen area, even when it might be difficult to rationalise that commitment. Julia (t/c, institution D) was bound for a commercial firm and when asked what she would have done if she had, on studying criminal practice, decided that she preferred that. She said that she would not have done anything about it:

because it feels so much more like education than practice, I could still convince myself that it will be different when I actually start my training contract (Julia, t/c, institution D).

Once again, these participants with training contracts who were involved in firm-specific teaching arrangements showed some awareness of the constraints placed on them by the arrangement and perhaps also of, as has been discussed in **Chapter 3**, the narrowly-constructed nature of their professional identities. Belinda also appeared to appreciate that the firm-specific LPC was perhaps sustaining that narrow construction because it kept her away from peers whose professional identities might be different and whose presence might encourage her to feel that there was discomfort or dissonance within hers. In general, there were hints that these participants anticipated the possibility of assimilation (Tomlinson et al., 2013) to their firms over time as a result of symbolic violence (Bourdieu & Wacquant, 1992).

Institutional culture

I have previously argued that participants in this study appeared not to have chosen their provider institution in any particularly informed way. If this is the case,

then a student may find themselves studying the LPC at an institution where the institutional culture does not suit them as well as another might.

As a result of experience I already had (through LPC external examining work) of and what I had heard from colleagues about LPC courses at different institutions I knew that such courses and institutions often had a distinctive 'feel' to them and that this might vary significantly between institutions. I suggest that this 'feel' is what writers mean when they refer to institutional culture and I make brief reference to that concept here. I am aware that

"Many people referring to culture seem to use the concept in a very vague way and it is important to use the concept without losing focus, direction and interpretive depth" (Alvesson, 2002, p. 3).

However, I argue that it is legitimate here to refer to institutional culture because I am seeking to describe

"basic assumptions and beliefs that are shared by members of an organisation, that operate unconsciously, and that define in a basic 'taken for granted' fashion an organization's view of itself and its environment" (Schein, 1985, p. 6).

It appeared that there were significant differences between the cultures of different institutions. These included the extent to which a particular course was oriented towards commercial practice, the significance at each institution of having (or not having) a training contract and the extent to which students mingled and socialised with one another outside classes. I argue that each of these has potential significance for the formation of legal professional identities and that each

influenced the practices of the institution and its doxa (Bourdieu, 1977). The institution at which a student studies the LPC may therefore be significant in determining the development of their legal professional identity.

In seeking to find out about the culture of each of the institutions in this study I analysed interview data but also looked at each institution's course handbook for the academic year 2013-14. At times I was also able to draw on my own experiences of the institution, particularly in the case of institution A where the initial study was carried out and where, at the time of that initial study, I was a member of the LPC teaching team. In writing about institutional culture, though, I feel very conscious that as an LPC 'insider' it may be difficult for me to step back and see that culture as a newcomer might (Hockey, 1993).

In spite of their differences, all four institutions had things in common. All were either universities or had links with a university and each of the course handbooks made reference to the services and facilities available through that university.

Nonetheless, the tone of the course handbooks was clearly practical and vocational. Institution B's handbook, for example, said that one of the aims of the course was to equip students to work as a professional trainee which included being able to manage their own time and develop good working practices. It was striking to notice that across the board course handbooks emphasised that the LPC was going to involve large amounts of hard work. The handbook for institution D, for example, said "*the course is intense and the workload can be very high for certain periods*" (Institution D course handbook, 2013, no page number), and institution C's that

“the very nature of this professional course is intensive and demanding”

(Institution C course handbook, 2013, p.4).

Generally, the handbooks made no apology for the demanding nature of the course and there was perhaps a hint in the literature at a general acceptance of the hegemonic *“long hours culture”* of the profession (Webley & Duff, 2007, p. 384) and the idea that one demonstrates commitment to a role in the legal profession by being willing to devote large amounts of time to it (Collier, 2015; Fuchs Epstein, Saute, Oglensky, & Gever, 1995), which is still something most easily demonstrated by men, given the assumptions which are made about women and the stereotypes which are applied to them once they have children (Fuchs Epstein et al., 1995). Course handbooks gave a good idea of any practice-area bias which existed on each institution’s LPC in that, by looking at the elective subject choices set out, it was possible to see whether a student could choose a purely commercial or purely non-commercial combination of elective subjects and also to see, given the range of elective subjects available, whether the course as a whole appeared to be geared more to commercial or to non-commercial practice. Here, there were striking differences between institutions. At institution A there was a wide range of elective choices which made it possible for a student to choose purely commercial or purely non-commercial subjects if they wanted to do so. This was also possible at institution C, although there was a narrower range of commercial subjects available and it was not possible to study ‘City’ electives like debt finance or equity finance, which were available at institution A. Again at institution B it was possible to choose an entirely commercial or non-commercial package of electives although the choice of non-commercial subjects was limited and there was a wide range of commercial subjects, including ‘City’ electives. At

institution D, for students with a free choice of elective subjects, it was not possible to choose purely non-commercial subjects because each of the available combinations included at least one commercial subject and there was a wide range of commercial subjects available, including 'City' electives.

In this chapter I focus on the cultures at institutions A and D only because at institutions B and C none of the participants had UK training contracts.

Data from the interviews did also suggest that some participants felt that there was a practice area related bias on their course. At institution D, Shirley commented that the course had a '*corporate*' feel and that students who were not going into commercial practice were in the minority.

The course handbooks of all the institutions implied that it was important for those who did not have training contracts to work towards getting one over the course of the academic year. The handbook of institution D, though, was exceptional among those looked at in this study because it appeared much more concerned with students who did have training contracts than with those who did not. This was perhaps not surprising, given the firm-specific arrangements in place. There was, for example, a dedicated section in the handbook which dealt with the arrangements which existed for reporting to students' sponsoring firms. The section on elective subject choices was complicated because it mapped out the different elective subject combinations specified by a number of different sponsoring firms. Overall, although the handbook did mention careers guidance and other help for students without training contracts, its emphasis appeared to be on those with contracts.

Shirley's impression was certainly that students generally only did pro bono work because they felt it would help them to secure a training contract:

I think students are encouraged, but you do get a sense that, umm, the people who do that are the people who don't have training contracts. So you feel as though, sort of they're doing it to help them get a training contract rather than doing it for their own sort of interests (Shirley, t/c, institution D).

What was perhaps missing from these approaches to pro bono work is an awareness of the increasing trend for corporate firms to engage in pro bono work. While there appears to be relatively little recent literature which specifically examines the motivations of firms in England and Wales to engage in such work, it has been suggested that the undertaking of pro bono is a response by firms to pressure from their clients to mimic them in adopting policies of corporate social responsibility (Boon & Whyte, 1999), or perhaps an attempt to improve their wider public image (Boon & Abbey, 1997). Over time, firms may in fact develop a culture of voluntary work as a result of the influence of their corporate clients (Boon, 2014). More recently in connection with US firms it has also been suggested that engagement with pro bono may be a valuable tool in motivating and therefore retaining staff (Burbano, Mamer, & Snyder, 2018).

It seemed clear that involvement in pro bono was not generally seen as a valuable form of social capital for those who had already acquired the more significant social capital associated with a training contract. Alternatively, it may simply have been that whilst participants realised they might need to engage in pro bono work

for instrumental reasons further down the line, there was no need for them to do so at the moment.

Institution D was in central London and very few if any of their LPC students lived in halls of residence. Instead they travelled into London from disparate locations and so socialising outside classes was difficult. My own observation of each of these institutions was that a lack of space for socialising may also have been a factor and this was confirmed by Melissa (t/c, institution D) in relation to her own institution.

As has been explained in **Chapter 1**, institution A was situated on a campus outside London. D, on the other hand, was in central London. In addition, there was scope for students at institution A to live in accommodation provided by the institution, whereas this was not possible at institution D. So far as socialising outside classes was concerned. I argue that at institutions where students were less likely to socialise outside classes it is possible that the potential for peers to make a positive contribution to the development of one another's legal professional identities (which is discussed more fully under the heading **Peer relationships** above) was not exploited to its full potential.

Melissa (institution D, t/c) commented that:

quite a few people don't seem to form strong friendships; they do just want to get out of the doors as soon as possible.....I actually do get the sense that people...have a lot of friends and stuff going on outside of [institution name].....it's nice to come in and talk to your class and then a lot of people do just want to leave and not hang out that much.....maybe it would be

different if there was just a bit more space here.....but there's not a huge sense of community (Melissa, t/c, institution D).

This may be an interesting point in that it paints a picture which is rather different from that observed in Dryburgh's study of Canadian female engineering students in which socialising as a group ("*play hard*" (1999, p. 677)) was seen as being an important part of the socialisation process which contributed to feelings of solidarity amongst students. Perhaps at institution D this lack of socialising among students on the course might have served to accentuate the divisions between those in firm-specific sponsorship arrangements and the rest of the student cohort. It is possible that the lack of socialising stemmed from such feelings in the first place but the data do suggest that the physical characteristics of the institution were perhaps significant as a metaphor for the social divisions which existed within it (Bourdieu, 2018). At institution A, there was perhaps more on offer in the way of social activity and Lorna hints at the sense of community and solidarity this may engender:

all of the staff they do, they'll join in, and you, so you get to kind of see all different sides of them, so I guess it's going back to that whole split in their kind of, you know, they stand at the front and teach and it's informal, but knowledgeable, and then actually, all of a sudden, they're doing the Christmas play and they're running round like, you know, loons (laughs), like complete comedians. So I guess from that, the culture's kind of shown me that it's OK, you can do different things (Lorna, t/c, institution A, [initial study]).

A lack of space and opportunity for socialising may have been significant in that it limited the potential for peer relationships to play a part in the socialisation process and in the

“reconstitution of the heart itself, which takes place not inside but outside the classroom” (Manderson & Turner, 2006, p. 652).

In relation to tutors, the data in this study suggest that opportunities were lost because of (in the case of tutors) a failure on the part of participants to see them as role models, but rather as ‘other’ to the *“club”* (Burton, 1996, p. 565) of the legal profession. In the case of peers, interactions did appear to develop performance and social capital in that they heightened participants’ awareness of the need to improve themselves so as to compete with one another in the profession.

However, at some institutions those interactions were limited by lack of space, the culture of the institution (see below) and firm-specific teaching arrangements which exacerbate feelings of stratification.

Although cultures varied, all appeared to endorse aspects of the status quo within the profession (such as the culture of working long hours and ‘slog’) and those with formal relationships with training firms were very much accepting of the status quo and did not, as Manderson & Turner (2006) suggest is possible, enter into any active contestation of those firms’ visions.

Despite the apparent importance of these aspects of the VPT experience for the development of participants’ professional identities they remain hidden or at least unacknowledged aspects of the process which are not formally recognised as having significance. They do not in any tangible way feed into the formal LPC agenda, which is largely one of technical competence, getting a training contract

and being in a position to “*hit the ground running*” (Fancourt, 2004, p. 33). As such, the opportunities they present for facilitating the development of professional identity, particularly *inner/personal* aspects and professionalism, are not exploited.

5.3 Striding out: Having a training contract and reflections on the LPC

Having a training contract confers distinction. Such distinction is accentuated when that contract is with a firm whose emphasis is in commercial practice and is therefore regarded as being relatively high in the hierarchy of a profession where corporate culture is becoming increasingly significant (Sommerlad, 2016).

Participants who were in this position had many advantages which meant that their LPC experience was relatively comfortable; they had financial support from their training firms during the course and so did not have to worry about money and/or work; those in firm-specific teaching arrangements had extra teaching (such as the firm-specific sessions provided by Institution D); they did not have to spend time thinking about applying for jobs and so had more time to spend on study. Finally, their regular links with their firm made it possible for them to see their LPC in context; in this way there was, it might be argued, a sense in which there was more in the way of effective situated learning going on. It was not necessary for them to rely so much on the ‘proxy’ experiences provided by the LPC and which were much less likely than situated learning to help participants to “*play the game*” (Sommerlad, 2007, p. 213).

In **Chapter 3** I argue that the potential for the LPC to encourage students to reflect on and develop their professional identities varies depending on whether or not those students have training contracts. For those with training contracts, who may well start the course with already fairly well-formed senses of organisational

identity (particularly those who are subject to firm-specific arrangements), and who have already developed their *outward-facing* identities, thereby

“projecting an appropriate professional persona and showcasing the right connections, dispositions, preferences and tastes” (Muzio & Tomlinson, 2012, p. 460)

to the extent that they have been successful in getting training contracts, it might be expected that the LPC's influence might be more significant in encouraging reflection on and development of the *inner/personal* aspect of professional identity. This would bring with it the possibility that participants might in time be equipped to challenge some of the hegemonic practices and values of the profession, in particular those of elite commercial firms; Dillabough (2004) argues that women who are from more privileged class backgrounds are in a stronger position to effect change in a male-dominated field than would be women who are less privileged.

In fact, aspects of the LPC appeared to have reinforced some participants' feelings of superiority and of practice-area hierarchy (Webb and Fancourt (2004) suggest a tendency to snobbishness on the part of law students) particularly for those being taught as part of a firm-specific arrangement (Faulconbridge & Hall, 2014), and in this sense it is argued that the LPC was lacking. I argue that the data also show how situated learning is effective in helping to build and strengthen feelings of professional identity (see also the discussion in **Chapter 6**) and that in doing so it reveals a further difficulty with the LPC; for those whose LPC is not so obviously a situated learning experience, the potential for the course to encourage

development of both *outward-facing* and *inner/personal* aspects of professional identity is more limited.

The following section discusses the way in which participants with training contracts were able to look forward with some confidence to the next stage in their career. Their position was in marked contrast to those without training contracts, whose reflections are explored in the next chapter and who looked to the future with considerable uncertainty.

Confidently on to the next challenge: the continued construction of the *outward-facing* aspect of professional identity

Data from the second interviews indicated that having a training contract had affected not only participant experiences of the LPC but also, on finishing the course, their attitudes towards their future professional development. They looked ahead with confidence and assurance and were sometimes already thinking about the ways in which they wanted their future careers to develop. There was a sense in which their sights were already fixed on a point much further into the future than those without training contracts; success on the LPC appeared to be taken for granted (see Schleef's discussion (2006) of students from privileged backgrounds who are brought up to assume they will succeed) and participants were concerning themselves with the ways in which they could distinguish themselves in the course of their training contract and beyond. Indeed, some participants did not see success on the LPC as being anything particularly impressive or a source of significant cultural capital (see Melissa's comments in **Chapter 4**), particularly because much of it was not directly relevant to the sort of work they would be doing in practice. This perception of the LPC is in direct contrast to that of some

participants without training contracts who, perhaps because they lacked other sorts of cultural capital and had less of an understanding of what constitutes capital which is valued in the professional field, saw success on the LPC as something more valuable.

Having a training contract (and few worries about passing the LPC) meant that participants had the social capital to enable them to plan for further success. There is a sense in which across the board participants in the study saw the LPC as a hiatus in their professional lives; for those with training contracts, specifically those whose training firms had influenced the content and teaching of their LPC, the end of the course meant being able to 'get started on things properly'; the LPC in a sense had simply got in the way. In this sense the data echo the findings of Manderson & Turner (2006) in their study of students at a Canadian law school. By way of contrast, I mention in **Chapter 6** that for participants without training contracts the end of the LPC represented the end of a rather safe or sheltered period where it had not been necessary to face the realities of the legal recruitment market and which they would shortly have to leave.

Participants with training contracts had confidence about the next stage of their development and clearly felt that they had significant agency in relation to the progress of their careers. There was very little mention of the possibility that things might go wrong during their training contract; when asked about the reasons they might leave their training firm at some point they focussed on reasons they might decide to leave; the possibility of having to leave (perhaps because they were not kept on at the end of their training contract) was not really contemplated. Julia imagined the end of her training contract as a seamless transition into the role of a newly-qualified solicitor:

you qualify into your last seat, um, so you go overnight from being just a trainee to being an NQ [newly qualified] (Julia, t/c, institution D).

Participants talked about their plans for career progression; Lorna (t/c, institution A, [initial study]) planned to do some legal work over the summer before her training contract began:

this summer I've got a couple of months' gap, and I'm looking to fill it with legal work.....just so that it's on the CV, when you do need to bring it back out again.....[so as to show that] you don't want to just sit back, you're going to get on with things (Lorna, t/c, institution A, [initial study]).

Karen (t/c, institution A, [initial study]) mentioned that she had been glad to improve her commercial awareness during the LPC because although she did now have a training contract she had been unsuccessful in some of her earlier applications because of a lack of commercial awareness and wanted to make sure that this was not a reason she might not get jobs in future. Overall, participants with training contract were looking ahead with feelings of ease because they fitted comfortably within a professional field which matched their dispositions (Maton, 2008).

The feeling that it was now necessary to think about future career challenges and the need to distinguish themselves was particularly evident amongst participants who had on the LPC been taught alongside their future colleagues. Perhaps because of this, some had moved on a little from where they stood at the beginning of the LPC in relation to the *outward-facing* aspect of their professional identities. When asked in the first interview what might be the deficits in the *outward-facing* aspect of her professional identity Melissa had commented that:

I really don't think there would be any gaps, actually....it would be difficult to think of anything else they could ask for (Melissa, t/c, institution D).

However, over the course of the LPC she had come to realise her identity was not fully developed but would need to be 'right' for the next stage in her career; in this sense it was an ongoing project (King, 2000). She remarked, however, that the LPC did not (but might usefully) help with this sort of issue. Again, the polarity between these participants with training contracts and those without was evident still at the end of the LPC; participants were not only in very different positions from one another, but because of this polarity also expected very different and more sophisticated things of the course. Even though they had arguably experienced what they might perceive as being the superior version of the LPC (Faulconbridge and Muzio (2009) suggest the emergence of a two-tier system of vocational legal education), there was a sense in which some still wanted more. Despite the stated aims of the LPC, success on the course, which implies that students have achieved the SRA's required outcomes, was not of real significance to the development of the professional identities participants with training contracts, who assumed they would be successful and so were able to look further ahead. So far as the *outward-facing* aspect of professional identity was concerned, then, the LPC had helped participants to realise (and in this sense they had something in common with those who did not have training contracts) that the *outward-facing* aspect of professional identity includes an element of cultural and social capital which cannot be taught and which comes partly from situated experience.

The following section goes on to look at the implications for participants of *outward-facing* aspects of professional identity which may have been rapidly and relatively easily formed.

Signs of identity dissonance?: *inner/personal* aspects of professional identity

As discussed in **Chapter 3**, several participants with training contracts mentioned at the beginning of the LPC that their experience to date of the solicitors' profession had been rather narrow. This appeared to be because the *outward-facing* aspect of their professional identity had been so highly developed while they were still at university that they were able to secure a training contract without difficulty and so had done relatively little in the way of work experience and training contract applications and interviews. **Chapter 3** argues that participants from more privileged class backgrounds are very likely to go into commercial practice in the City because it is these commercial firms in particular which target and recruit from amongst Oxbridge and Russell Group university students; going down this route perhaps represents the path of least resistance for these students and may therefore be difficult to avoid. Subsequently, the firm-specific teaching experienced by some students with training contracts may serve to strengthen their sense of organisational identity in such a way that they may begin to feel the inflexibility of their situation. Towards the end of the LPC there were signs that, as a result of this, some participants with training contracts may have been aware of the possibility of future uncomfortable identity dissonance as a result of the symbolic violence (Bourdieu & Wacquant, 1992) which it is argued law firms may deploy in order to develop their employees into lawyers who are as good as possible a fit with the identity of the firm (Cook et al., 2009).

However, by this stage the die was of course cast and it must have been very difficult to imagine how a decision to change direction might be made. Shirley (t/c, institution D), explained that although she had briefly considered whether she might have preferred family law practice to the commercial sphere for which she was bound, she was committed to her chosen path:

just being exposed to different areas of law, I suppose, just makes you think, 'oh, well, maybe that would have been an interesting prospect as well', but I mean I am 100% interested in property law as I initially said, and I'm absolutely loving it.....and that's what I want to do and that's what my firm is good for (Shirley, t/c, institution D).

Julia (t/c, institution D) was asked whether she would have taken action had she found that she preferred the non-commercial areas of practice which her firm did not cover and suggested that her commitment to her training contract would have prevailed:

In all honesty, probably notI could still convince myself that it will be different when I actually start my training contract.....so I think I [would] see that through, and then if I want, and then if I still felt the same way, then I would consider switching..... I can't really imagine it happening (Julia, t/c, institution D).

The data suggest that although having a training contract does confer distinction and give confidence it might also represent a constraint which participants begin to recognise only when exposed to the more general LPC curriculum. Such constraints may be all the more keenly felt by those whose firm-specific LPC

experience has influenced their self-construction and strengthened their feelings of organisational identity.

By way of contrast, Karen (t/c, institution A, [initial study]), who had a training contract at a firm specialising in claimant personal injury and human rights work, described how after a number of unsuccessful training contract interviews whilst at Oxbridge, she had been successful when:

the university I went to, they really encourage you to go into commercial law, so at the University Law Fair there were no kind of firms that weren't commercial so I actually felt I didn't really have a lot of support for the area that I wanted to go into ; you either go into commercial law or you go into academia so there wasn't really any support coming from there, so I did actually apply to a few commercial firms and had some interviews but I think it was just really obvious that I wasn't interested in it and I was kind of just fooling myself and saying that I was, because obviously you need to get funding for the LPC and it's then just a lot easier. The minute I then decided that that was what I wanted to do, though, I got the first training contract that I went for (Karen, t/c, institution A [initial study]).

and Alice (t/c, institution A [initial study]), who was already anticipating identity dissonance as a result of the career choice she had made, reconciled herself to it as follows:

pro bono's been a really good opportunity, cliché, to give something back or gain some positive karma and just a wider breadth of experience, because I didn't want to go, you know, all-girls grammar school, [Oxbridge], [institution

A], commercial law – that's quite a narrow view of the world, I think. Um, so that's been very very valuable (Alice, t/c, institution A, [initial study]).

At this stage it is difficult to see how individual career trajectories might be changed because of the terms on which support for the LPC is provided by sponsoring firms. Class privilege may have enabled some participants to develop the *outward-facing* aspect of their professional identities at an early stage so as easily to secure training contracts but it may also have constrained them and increased the possibility of future identity dissonance. The problem is perhaps particularly acute because of the possible loss of distinction which would be associated with a move away from the hierarchically superior areas of practice (those which Schleef calls jobs of “*least resistance*” for elite students (2006, p. 3)) into marginalised sectors such as family law (Bolton & Muzio, 2007). However, it is difficult to see what might be the solution to this difficulty.

While the possibility of identity dissonance may be linked to practice area there was also some limited evidence that it might also arise from a more general realisation that it was necessary to continue, even once working in a training contract, to continue to display the right sort of *outward-facing* aspect of professional identity and that this might not sit easily with the *inner/personal* aspect of one's own professional identity. At the beginning of the LPC, Belinda (t/c, institution D) had explained that it was going to be important to her to be able to take time in her working life, for purely altruistic reasons which were not linked with career advancement, to help colleagues or listen sympathetically to a colleague who may have had a difficult day. However, towards the end of the course she had realised that:

I now have more understanding of what a training contract will be like....your training contract is just so [much] about you still really, I guess....it's about you learning and you performing and you succeeding: it's so self-involved, really, whereas once, hopefully, you get out of that and get into qualification, your career can become more about, still developing yourself, but also developing other people in your team....so much of my time will be taken up with just learning the ropes of the work I'm meant to be doing, and trying to perform.....I think it might be a struggle to do all of those other things at the same time (Belinda, t/c, institution D).

Belinda may have felt that the sort of behaviour which she valued was not an important or even a congruent element of the somewhat masculinised nature of the *outward-facing* aspect of professional identity which she would be required to display in order to succeed at her firm. Nonetheless, she appeared to have reconciled herself to this, and to reflexively have re-orientated her professional identity as a response to a need to “*prioritise [our] concerns*” (Archer, 2003, p.27) as part of the reflexive process of identity development.

Although I have suggested that the potential for identity dissonance which is hinted at here may have been linked with a relatively early, rapid and narrow construction of the *outward-facing* aspect of professional identity it is important also to realise that when interviewed for the second time participants were only a few months away from beginning their training contracts. It was perhaps only to be expected, therefore, that they should be feeling slightly more nervous about their professional futures than they had been in the first interview, when the whole of the LPC stretched in front of them. Nonetheless, signs of dissonance were there, and in this regard participants with training contracts had limited agency do to

anything to address them. Bourdieu suggests that a system of social reproduction may “*subject[s] even those who profit from it to a degree of tension*” (1998, p. 26) so that they find themselves “*the helpless victims of a mechanism which is nothing but the cumulative effect of their own strategies*” (1998, p. 27).

The next section looks at the place of gender in participants’ reflections at the end of the LPC and suggests that, in spite of their general feelings of confidence, where gender was concerned participants with training contracts may have felt a lack of agency to control the progress of their careers.

The place of gender

As has already been mentioned in **Chapter 3**, data from the interviews in this study suggested that participants had a limited appreciation of the potential significance of their gender.

As they came to the end of the LPC, some participants with training contracts had reflected a little more on these issues. However, such reflection tended to be restricted to the possibility of having children and the ways in which this might impact their career. In this regard, it was interesting that this appeared to be the area in which participants most clearly felt that they lacked agency although even here, the data indicated a possible tension or ambivalence. On the one hand, participants’ remarks suggested a perception that gender-related structural constraints could be overcome with hard work (perhaps, here, there was some acceptance of Becker’s human capital theory (1993)), and there was little reflection on the legitimacy of those constraints and the categorisation of women as a “*problematic*” category of employee (Fuchs Epstein et al., 1995, p. 441) or the possibility of alternative models of practice, based on a realisation that

“women want to be in the workforce but may want to reconstruct what it means to be a productive worker” (Menkel-Meadow, 1989, p. 308).

On the other, several of the same participants mentioned a suspicion that if they had children they might well decide to make changes in their career. Although such changes might of course be made as a result of lifestyle choices (and could equally be made by men for the same reason – see discussion in Collier (2015)) there were subtle indications that some felt that women who had children could not easily continue in certain types of role. However, there was little sense that it might be possible to contest the status quo. As mentioned earlier in this chapter in relation to guest speakers who talked about gender, it may have been that the masculine characteristics of professional life were simply not recognised or identified as such (McGlynn, 1998).

Melissa illustrates the first attitude:

I was reading in the papers about a paper being published recently about why women don't progress as far in careers – [it was] to do with women not having the confidence to maybe apply for things.... if they don't... meet 100% of the eligibility criteria, and just generally just not pushing themselves enough. I don't think the LPC really helps with that, it maybe even exacerbates it, because it's so much, you know, everyone gets basically 100% in everything. And..... there's no challenge there.....there's never a stage where you think I have really got to put myself out on a limb here, I've got to go and push myself beyond my comfort zone.... I don't really know how you'd incorporate that, and whether it's something that should be done within the LPC, but I don't think any aspect of the LPC

really addresses that, or why women don't have the confidence and the skills to go further (Melissa, t/c, institution D),

and Alice (t/c, institution A, [initial study]) commented as follows:

I don't feel like I've had disadvantages in my life for being a woman, but I'm very conscious to maybe assert myself a little more, to – and also being young – I want to sort of assert who I really am, because I think I can be a very good, very hard-hitting, very logical - all these things people associate with masculine traits, perhaps. I think that I have a lot of them, and if you read my CV, you know, it looks perfectly OK that I could be a sort of a good solicitor, promoted quickly, all this kind of thing, whereas it's difficult to slip your CV into conversation and so much of deciding who gets the opportunity and who gets the promotion is done on face-to-face with a client's likes and a supervisor's likes, who looks the part, so I think maybe I'll just have to be a little bit more forward about how I present myself, sort of how I can present my qualifications and my abilities, than perhaps a male colleague, where more of that might be assumed (Alice, t/c, institution A, [initial study]).

Elsewhere in the thesis I describe how a guest speaker at institution D (who had spoken on women in the legal profession) had, in the opinions of Sophia (no t/c) and Belinda (no t/c), delivered the message that women could fare just as well as men in the profession provided that they were prepared to work hard enough.

At the same time, though, several of the participants with training contracts (including Melissa, whose feeling that women did not push themselves enough is

described above) anticipated the need to make changes in the future if they had children:

I mean, I think the problem is that there's not, there's hardly any information out there really, I mean it's not that anyone ever comes and says this is what happens if you want to have a family and also do this and have a life and travel and....I don't know, you know that's never really addressed. I suppose you just have to go and see what people do, and copy what works. But no, that's definitely actually something I think, something I spend a lot of time thinking about... so, yes, it's probably ever present, but I mean, at the moment I just don't have enough information to really plan anything at all, so wait and see, I suppose.....I would never want to sacrifice one thing for another, it would have to be a balance. So small sacrifices in both, maybe. Yes, I just, I don't know, it would depend, I think on what's possible at the time (Melissa, t/c, institution D)

and Belinda said as follows:

I do think that it will become an issue in my career, because I hope that I will have a family.....I don't know the ins and outs of the way [firm] works at the moment but I don't think that it's something profession-wise that is really accepted; that partners could work anything less than full-time hours (Belinda, t/c, institution D).

Even Karen (t/c, institution A, [initial study]), who was going to a personal injury and human rights firm which she described as 'female-dominated', felt that it might be necessary to make a change if she had children:

obviously, I'm quite young to be saying all of this, but I don't think... I think if I wanted to have a family then I would try and have a more academic career rather than being in practice; I don't think I could be working in a big firm...I think it would be really difficult... I'm quite naive so I don't really know what that would be like (Karen, t/c, institution A [initial study]).

In relation to gender, then, it is perhaps possible to see indications of uncertainty and a feeling of lack of agency. However, in general these feelings did not appear to be accompanied by any strong feelings of indignation or injustice and there was no clear feeling that it might be possible to challenge the status quo in this regard.

5.4 Conclusions

The purpose of this chapter has been to establish the extent to which and ways in which the professional identities of participants with training contracts appeared to have altered because of their experiences of the LPC. The findings outlined indicate that as a result of their field position, and the valuable social capital they had possessed from the beginning of the course as a result of having a training contract, these participants' professional identities had not been significantly altered by their experience of the LPC. The experience had in most cases strengthened their feelings of confidence and of being bound for a superior part of the solicitors' profession. Because of the capital they possessed as a result of their relatively privileged class background, and the fact that they had training contracts, these participants were already somewhat embedded in the classed field of the legal profession. They had, in undertaking the LPC, been through a process in which they felt comfortable:

“when habitus encounters a social word of which it is the product, it is like a fish in water.....it takes the world about itself for granted” (Bourdieu & Wacquant, 1992, p. 127).

Overall, participants had some sense of ease and confidence about the future progress of their careers and the appropriateness of the *outward-facing*, and often firm-related, aspect of their professional identities and this appeared to affect attitudes to both formal and informal elements of the LPC curriculum, which were in marked contrast to the attitudes of those without training contracts and which are described in **Chapter 6**.

Feelings of stratification and superiority appeared to have been sustained or even highlighted by a formal curriculum of which they were rather dismissive and which was seen as containing large areas of irrelevance which would not be needed by them in their training firm and were not relevant to the somewhat narrowly-constructed *outward-facing* aspect of their professional identity. The LPC experience was not seen, therefore, as having enabled them to accumulate much in the way of capital which would be valuable in the field of their training firm, *except* where firm-specific teaching had been provided.

There were some signs that participants were beginning to feel more conscious of the need to stand out amongst their future colleagues if they were to continue to be successful. This need was usually not explicitly linked to gender but was, rather, an internalisation of the norms of behaviour displayed by peers (MacArthur et al., 2017), which would ultimately lead to alterations in habitus. Some had developed a rather more nuanced appreciation of the significance of gender as part of their professional identity than they had had at the beginning of the course,

and the need for women to be exceptional in order to succeed in the profession (Tomlinson et al., 2013) but most participants' concerns appeared still to be limited to the significance of having children, and the LPC experience did not seem to have altered their perceptions in this regard or to have developed their understanding of the general significance of gender so far as progress and success within the profession is concerned. This may have been a result of the effect of aspects of the 'hidden' LPC curriculum and of limited exposure to the informal curriculum, which in turn was driven by their overall attitude towards and expectations of the course (see also **Chapter 3** in this regard). It may also have been a result of what Schleef (2006) identifies as the influence of parents of privileged students, who bring them up to feel that they will succeed at whatever they do. Indeed, they had all succeeded so far and the advantage of their class background had outweighed the disadvantage of gender. Because of this, they expected still, in general, not to be hampered in their careers by gender-related issues (Costello, 1997).

When it came to the *inner/personal* aspect of professional identity, overall the findings outlined in this chapter indicate that the LPC had done little to alter the organisationally-oriented nature of the professional identities of participants in the full study, who tended to attach more importance to being an actor in the field of their own training firm than to their identity as a member of a profession. The informal curriculum was not commonly accessed by those with training contracts; this was because it was seen in very instrumental terms – a means of acquiring cultural and social capital if one did not already have enough – and not as something which might be significant and beneficial to development of the *inner/personal* aspect of professional identity.

However, it appeared that wider aspects of the course had had some effect on participants from the initial study at institution A, who had not been taught in a firm-specific way and had thus perhaps been more exposed to the full extent of the formal curriculum and of extra-curricular activity. This exposure appeared to have ensured their awareness of a wider professional field and the data therefore highlight the possible effects of institutional culture or doxa on student professional identities and suggests that choice of LPC institution may therefore be a significant factor influencing their development. Where firm-specific teaching takes place there may be less space for critical reflection on the hegemonies which prevail within a particular firm or sector or to *“bring[s] the undiscussed into discussion”* (Bourdieu, 1977, p. 168). Thus, students who are bound for the type of firm which dominates the solicitors’ profession (Cook et al., 2009) are perhaps the least likely to be in a position to bring about any disruption to the field and to challenge processes of social reproduction which, especially at the point of entry, disadvantage those from less privileged backgrounds (Sommerlad, 2007, 2015) but which have, as a result of their own relatively privileged class background, worked well for them.

From the point of view of gender, this difficulty is exacerbated by the fact that LPC learning is not situated (Lave & Wenger, 1991) and there are therefore limited opportunities for female tutors to act as role models and display a range of possibilities for professional behaviour. Instead, the data suggested that female tutors may often have been seen as women who were not professional role models and were not, therefore, in a position themselves to disrupt the field by modelling alternative attitudes and behaviours so as to suggest that a female

solicitor's habitus might perhaps be one which does *not* fit in with the profession's "*hegemonic masculinity*" (Sommerlad, 2006, p. 161).

This chapter has established what was, as a result of their field position, the state of the professional identities of participants with training contracts at the end of the LPC. Next, it is necessary to consider where participants without training contracts stood at the end of the course. **Chapter 6** will therefore discuss their contrasting field position as well as highlighting some similarities in relation to issues of situated learning, institutional culture and tutor role modelling.

Chapter 6 – Student identities and polarity at the end of the LPC: struggling on?

This is the second of two chapters which explores participants' professional identities as they finished the LPC. **Chapter 5** discussed those participants who had training contracts at the beginning of the course and this chapter compares the experiences of those who did not, and once more addresses the following research sub-question:

What is the significance, and how does it vary between female students from different class backgrounds, of different aspects of vocational professional training and the LPC curriculum?

In **Chapter 3** I explain that in this study it appeared that participants who had training contracts at the beginning of the LPC were more likely to come from relatively privileged class backgrounds. Those without were more likely to be from less privileged backgrounds. An examination of data relating to participants' positions at the end of the course shows that those without training contracts tended to be in a very different position so far as development of their professional identity was concerned. This chapter therefore gives additional weight to the argument, advanced in **Chapters 3,4 and 5**, that participants' experiences of the LPC vary dramatically between students from different class backgrounds.

I have explained in **Chapter 3** that participants without training contracts started the LPC from a very different position in the field of the solicitors' profession from those who did have contracts. Because of their class background, many had so far been excluded as a result of their lack of resources of cultural and social capital

and felt that the LPC might help them to remedy this deficit and so to construct the right sort of *outward-facing* aspect of their legal professional identities so as to be recognised as the “*talent*” (Ashley et al., 2015, p. 42) which is sought by firms.

As already argued in **Chapter 5**, it is worth interrogating in some detail the effect of the LPC by looking at participant experiences of different aspects of the LPC provision.

The data suggested that although there were some similarities in the experiences of participants with and without training contracts (and which related mostly to aspects of the ‘hidden curriculum’ (Posner, 1995)), there appeared to be clear differences between them in relation to the formal and informal curriculum. For those without training contracts, whose experiences are discussed in this chapter, attitudes to both of these aspects of the LPC provision suggested a continuing concern with developing the *outward-facing* aspect of professional identity in particular, with a view to securing access to the profession. At the same time, however, these attitudes also suggested among some of these participants a continuing lack of awareness of some of the complexities of employability (Brown & Hesketh, 2004; Francis, 2015).

Overall, participants finishing the LPC without training contracts tended to feel somewhat less confident about securing a training contract than they had at the outset. To a limited extent this was because their experience of the course had helped them begin to develop a “*feel for the game*” (Bourdieu, 1990b, p. 66) and to begin to understand a little about the ways in which

“the structured dynamics of the field may continue to construct clear barriers [to the profession]” (Ashley & Empson, 2016b, p. 26).

6.1 The effect on professional identity of aspects of the LPC provision: formal and informal curriculum

As has already been explained in **Chapter 3**, participants were all asked to talk not only about the formal LPC curriculum but also about other aspects of their experience. This section discusses the experiences of those without training contracts.

The formal curriculum

Attitudes to the formal curriculum amongst this group of participants were often in marked contrast to those demonstrated by participants with training contracts (who tended to dismiss large chunks of the formal curriculum as being not useful or too easy), and I suggest that this reflects the very different positions from which they accessed it. For participants who did not have training contracts and were conscious that they did not possess the accumulations of social and cultural capital they might wish for, and which had perhaps been more difficult for them to acquire because of their less privileged class backgrounds (King, 2000) there was more of value in the formal curriculum.

In general, participants who did not have training contracts therefore tended to be somewhat positive about the formal curriculum. There was no doubt that they attributed to it a significance beyond that of a 'box to be ticked'. There were perhaps two main reasons for this, although both linked to a sense in which doing the sort of task a solicitor does helped them to feel more confident about the practical side of their anticipated future role (this echoes the findings of Boon and Whyte's study of practitioners' reflections on the LPC (2002)) and perhaps the

opportunity it gave them to see their “possible selves” (Oyserman et al., 2006, p. 188).

First, it gave some of them an insight into practice areas they may not previously have considered, so boosting their feelings of potential competence and fit in a range of subject areas, and building confidence in the *outward-facing* aspect of their legal professional identities. Sophia, for example (no t/c, institution D) felt that after studying commercial law as one of her elective subjects she might consider working at a firm which did aspects of this sort of work:

I'm doing commercial as well, which I didn't think I would find that interesting and has again broadened my idea of going into something like that.....(Sophia, no t/c, institution D).

Jennifer (no t/c, institution B) felt after studying the compulsory Stage 1 subjects that she might be prepared to do property work as a ‘fall-back’ if she was not able to get a job in her preferred area of advocacy and/or criminal work:

in terms of property, it was actually nice to do because it made me feel like, 'oh, actually this isn't too scary; it's more procedural than anything, you don't have to have amazing analytical skills and you don't need to have tactical strengths, you just have to know what the procedure is and you just have to be detail-oriented and make sure you comply with the things you have to do'...so that reassured me in some sense that if it came to training in one of those [areas], it would be fine, I would be happy to do property (Jennifer, no t/c, institution B).

This apparent broadening of horizons may not have been entirely positive in that it may also have indicated that as they neared the end of the course participants became less optimistic about being able to work in their chosen practice area; perhaps then participants by the end of the course were more aware of the difficulties of constructing the appropriate *outward-facing* identity and may even have, because of this, been thinking rather more flexibly about what practice areas might sit reasonably comfortably with the *inner/personal* aspect of their professional identities. Participants did, then, appear to feel able to contemplate a range of possibilities for their future career, although their apparent lack of concern for hierarchies of practice area, which are reinforced by the structures of the professional field, may have been an indication of their naivety. Sophia, for example, when mentioning the possibility of choosing commercial practice, did not mention the socially-exclusive recruitment practices engaged in by some commercial firms (Ashley & Empson, 2016b) which might make it more difficult for many students to get a training contract in this area.

Second, participants in this group who did not have substantial amounts of work experience indicated that the formal curriculum gave them a general idea of what life in practice would be like, particularly when it came to the skills subjects. This seemed to have the effect of boosting confidence and perhaps making it easier for participants to see themselves as lawyers. I suggest that this may have had an effect on both *outward-facing* and *inner/personal* aspects of legal professional identity; feelings of confidence are likely to contribute not only to an individual's *ability* to engage in the performative elements of a solicitor's work (Goffman, 1959) but also to their sense of themselves as a solicitor.

Anita (no t/c, institution B) commented that:

[the drafting course] helped me a lot because I did not know what drafting was. And now I know that I am competent in writing board minutes and everything. And writing to clients...I know how to talk to them. And in interviewing and advising, I am more confident with strangers who I have not met before, and I can talk positively (Anita, no t/c, institution B).

Linda (no t/c, institution C) commented that the advocacy module had made her feel more like a solicitor because she had learned

to better talk, put your (sic) point across....and just in general life as well really (Linda, no t/c, institution C).

And for Maria, practising the interviewing skill had given her a feel for the performance-related aspect of being a solicitor:

I first thought 'why do we need to dress up for these interviewing skills and stuff', but that actually has made a difference.....and I think that's part of the game, this dressing up (Maria, no t/c, institution A [initial study]).

For these participants then, the value of aspects of the formal curriculum may have lain not just in the acquisition of skill and knowledge but in the opportunity it gave them to engage in the sort of performance work which would help to develop their lawyerly habitus and “*feel for the game*” (Bourdieu, 1990b, p. 66). As has been mentioned in **Chapter 5** already, the positive aspects of the skills curriculum which these participants identified (such as Anita’s increased confidence when talking to strangers) serve to highlight the contrast with those participants who did have training contracts and who already had a clear “*sense of understanding [of] and belonging [in]*” the profession (C. Burke, 2016, p. 14).

This was particularly important for participants who (because they did not have training contracts or significant amounts of work experience) lacked knowledge about the realities of legal practice. It should be noted that participants who did not have training contracts but did have a little more legal work experience were (like the participants who had training contracts and were discussed in **Chapter 5**) a little more critical; Jennifer (no t/c, institution B), for example, mentioned that the legal writing skills training was not helpful because she had developed those skills already in her work experience:

when I was working at my old firm I probably wrote eight or nine letters like that a day, at least, and we had templates for everything and I remember the templates well (Jennifer, no t/c, institution B).

What is striking is that for these participants the formal curriculum undoubtedly played a part in developing to some small degree the sense of ease and confidence which appeared already to be felt by many of the participants with training contracts, whose path to achieving these had been made somewhat easier by their relatively privileged class backgrounds. However, although the development of confidence in their abilities was a good thing for these participants there is a sense in which this attitude again betrayed a naivety on their part in that, in terms of the acquisition of cultural capital, they may have attached disproportionate value to their LPC-related experiences, which represented a “*narrow focus upon the individual acquisition of skills and attributes*” and which would not “*capture the fuller complexity of legal employability as a negotiated, situated process*” (Francis, 2015, p. 173) in which it is important to appreciate the “*inscription of merit with subjective, hierarchically based social bias*” (Sommerlad, 2015, p. 2347).

There were signs that many of the participants without training contracts had, because of their lack of understanding of the field, overestimated the significance of the formal curriculum for the development of the *outward-facing* aspect of their professional identities. Perhaps they, like some of the students in Schleef's study of law and business school students in the US (2006), would as a result of the cultural capital deficit with which they began the course, experience the ways in which the distribution of cultural capital in fact perpetuates social differences (Navarro, 2006) and would

“never acquire[d] a full understanding of professional ideology in a way that [makes] the mainstream jobs....accessible” (Schleef, 2006, p. 71).

The informal curriculum

I have already argued that, in order to address existing issues to do with access to the profession for non-traditional applicants, and the position of women within the profession, attention at the LPC stage to issues of professional identity formation may be helpful. I have further argued that this appears unlikely to happen as part of the formal LPC curriculum. It is in the space occupied by the informal curriculum that the LPC may have scope to do this; first, by supporting the construction by students of the *outward-facing* aspect of their professional identities through activities which provide some opportunity for acquisition of social and cultural capital and second, by encouraging reflection on their 'fit' with different types of legal work and therefore development of the *inner/personal* aspect of professional identity.

I argue in this section that for several reasons the potential for the informal curriculum to do these two things was limited from the outset. Moreover, for a

variety of reasons the participants in this study (whether or not they had training contracts) appeared not to have spent significant amounts of time engaging with the informal curriculum and so any potential for influencing professional identity development in the ways described above was further limited. For those without training contracts, whose experiences are described here, some of these reasons linked clearly to class background (for example, the need for Linda to do a substantial amount of paid work alongside the LPC, which limited the time available for extra-curricular activity).

Pro bono work and other work experience

Participants without training contracts tended to hope, at the beginning of the LPC, that they would be able to remedy any perceived capital deficit and build on the *outward-facing* aspect of their professional identities by taking the opportunity to get involved in extra-curricular activity, particularly accessing careers advice and doing pro bono work or other work experience. Thus, this aspect of the LPC experience was seen in very instrumental terms.

At the beginning of the course, those in the full study who did not have training contracts tended to say that seeking institutional careers advice and getting involved in pro bono projects were an important part of their plans for the academic year. They tended to have understood to some degree the importance for the legal recruitment process of having work experience (Francis, 2015; Francis & McDonald, 2009; Francis & Sommerlad, 2009). However, as they moved towards the end of the course a significant number of participants had not made much progress in relation to either. This tended to be because of the crowded nature of the LPC year and a feeling that the formal curriculum ought to

be prioritised; it is easy to understand the feeling that the demands of the formal curriculum were of immediate importance because of the assessment regime (perhaps particularly acutely for those without training contracts who feel they need a good set of LPC results for their CV so as to offset other deficits in cultural capital, such as the disadvantage of having attended a post-92 university) so that extra-curricular activity had to take second place.

Linda (no t/c, institution C) had had a little experience through her institution's mentoring scheme but would have liked more:

she [mentor] has offered [me] more dates, but they were bang in the middle of my exams, so I thought, I can't really do it (Linda, no t/c, institution C).

Similarly, Helen commented that:

...trying to fit in any work experience is very difficult because you have to be studious on this course otherwise you are not going to get through it, at least not well.... (Helen, no t/c, institution B).

Jennifer had at the beginning of the course planned to achieve her Police Station Accreditation through a firm she had worked for before beginning the LPC but had found it difficult to get started on the process and felt she should prioritise elective subjects:

I did email and I did phone but he was never around....so I didn't push it, so it didn't happen.....maybe it will, maybe when I get a chance to finish these electives here I can find someone to help me.... (Jennifer, no t/c, institution B).

And Hannah commented as follows:

I was [involved in the pro bono scheme] and then it seemed to go nowhere....both in the family one and another one, and I got accepted onto the family one, and then I was told they lost funding, which was a bit of a bummer (Hannah, no t/c, institution A [initial study]).

It appeared, then, that reasons for not accessing this aspect of LPC provision stemmed partly from constraints which might be traced back to class background (lack of time, perceived need to get good marks on LPC to compensate for other capital deficits) and partly from the nature of the LPC itself, which does not carve out significant amounts of formal space for them and instead relegates them to the status of optional extras, thereby creating the misleading impression that they are not of major importance.

It is interesting that most participants who wanted to get work experience tried to do this through their institution (through mentoring or pro-bono schemes). This was, no doubt, because it was the easiest route, but it may also suggest a lack of awareness of the realities of the legal recruitment process and of the fact that institutionally-arranged work experience may not be highly valued by recruiters (Francis, 2015), who prefer to rely on their own work experience and selection processes which tend to be classed (Ashley et al., 2015; Sommerlad, 2015) and which do nothing to remove the barriers which non-traditional applicants face in accessing the profession. As a result, exclusionary patterns are maintained (Cook, Faulconbridge, & Muzio, 2012). Institutionally-arranged work experience does have some value because it allows students to do a certain amount of work in shaping their “*narrative of employability*” (Francis, 2015, p. 179). However, even that limited value was not easy for participants to access.

Careers advice and mentors

The status given by an LPC institution to the provision of careers advice may be significant in the construction of student professional identities. I suggest it is possible that in making careers sessions compulsory for those without training contracts the courses at institutions A and C may (albeit perhaps unwittingly) have contributed to a perception amongst students that the one of the purposes of the LPC was to help them to get a job rather than to develop skills and behaviour which would be used when they got a job. In this way, there may have been an explicit foregrounding of the development of the right sort of *outward-facing* aspect of professional identity; a “*well-designed impression of a particular kind*” (Goffman, 1959, p. 18) which, combined with a general lack of focus on the LPC on the development of the *inner/personal* aspect of professional identity, exacerbates the failure of the VPT process to address issues of values and professionalism. At the same time, however, I suggest that careers advice may not have been sufficiently integrated into the curriculum to support development of the *outward-facing* aspect of participants’ professional identities.

At institutions A and C, participants without training contracts had been obliged by the institution to attend a few compulsory careers workshops at the beginning of the course. Following on from that it was for individual participants to access careers advice as and when they felt they needed it, as was the case from the outset at institutions B and D. It was generally possible to get advice (either from tutors or from specialist careers advisors within the institution) on things like drafting CVs and covering letters, filling in application forms and attending interviews and assessment days. Across the study none of the participants appeared to have found it difficult to access advice but in general they had not got

as far as they had hoped by the end of the course because of the other demands on their time. The data suggest that when the careers service was accessed, advice tended to focus on somewhat superficial issues such as CV layout and may not have appreciated the complexities of legal employability and the need to engage in a reflexive project of identity development (Francis, 2015; King, 2000; Sweetman, 2003):

with a CV, you can just drop in your CV [to the careers service] and they have a look over it. But it's only there if you want to use it....[I have used it] not as much as I should have done.....but I've spoken to different people about it and my mentor (Linda, no t/c, institution C)

I had one meeting with the [careers service] and we talked about my CV which was helpful.....it was fine.....besides that, I haven't been back really, but it's mainly been [delay] on my part for not having approached them (Jennifer, no t/c, institution B).

Several of the providers offered mentoring schemes whereby students who did not have training contracts were paired with practitioners who would give them advice on training contract applications and who often also offered the opportunity for a few days' work experience. However, the schemes were not part of the formal LPC curriculum. Rather like opportunities for work experience and pro bono work which are discussed above, they were not easily prioritised by participants. This happened for a number of reasons such as the late launching of the scheme, the fact that the mentor had limited time, participants not noticing the email which announced the scheme, and the crowded nature of the LPC year. There was perhaps a sense in which some participants without training contracts were

attempting to achieve the unrealistic in seeking in the space of a few months to reach a stage in their professional identity development where they were able unconsciously to demonstrate a feel for and an understanding of professional culture (Bourdieu, 1977).

Nonetheless, several of the participants without training contracts had taken advantage of the opportunity to get advice from a practitioner through the mentoring scheme and had found it helpful in terms of job-hunting strategy and the formation of the *outward-facing* aspects of their professional identity.

While the right sort of careers and mentoring advice might have been very useful to participants at this stage in their professional training this was not what they expected of the LPC, they appeared to have limited time for it and it did not seem to take priority in their minds. Once again, this was an indication of their limited understanding of the professional field and of the intangible and implicit nature of the “*symbolic mastery*” (Jenkins, 2002, p. 108) which is necessary to show distinction (Bourdieu, 1984).

Guest speakers

I have already mentioned in **Chapter 5** that in this study several participants identified aspects of talks by guest speakers which they felt had been significant to their development as lawyers. The significance attached to these talks may have been due to the fact that the talks related explicitly to gender and to career prospects and so had addressed two of the profession’s “elephant(s) in the room” in a way that the formal LPC curriculum had not, because of its regulatory emphasis on technical competence. Although these messages were felt to be

significant they were, because delivered as part of the informal curriculum, not accessed by all students.

Furthermore, these messages were delivered by individuals who participants perhaps saw (although they did not say so) as being 'at the coal face' (and therefore expert) in a way that their LPC tutors were not (participants' perceptions of LPC tutors are also discussed in **Chapter 5** and it is suggested that the fact that they were usually no longer in practice is significant). This attitude is nicely illustrated by Anita's comment which suggests that she did not see LPC tutors as being 'real' solicitors:

you asked me [at the beginning of the course] if I had met any solicitors, and I had not met any. And now I have met quite a few who practice....two people came to our media lectures...and the other ones, they came for commercial awareness talks we had (Anita, no t/c, institution B).

I suggest that this input from practitioners may have been even more significant for participants who did not have training contracts because some had previously had very little exposure to people who were currently in practice and were therefore likely to attach some significance to the messages delivered by them.

Sophia (no t/c, institution D) had been to the talk entitled 'Women and the Law' on which Belinda comments in **Chapter 5**. Sophia commented that she had not, beforehand, thought much about the masculinisation of the profession:

it was really influential...I would still say it is different to be solicitor as a woman...I think it totally depends on whether you let it be an issue [emphasis added] or not....(Sophia, no t/c, institution D).

As regards identity formation, the effect of this for Sophia appears to have been that she had learned that her gender constituted a form of negative capital (Haynes, 2012) to be overcome in the construction of the *outward-facing* aspect of her professional identity and there had been no challenge to the hegemonic masculinity of the professions (C. Davies, 1995; Witz, 1992) and thus no invitation or challenge to reflect on the possibility that constituent elements of the *outward-facing* aspect of legal professional identity might be gendered (McGlynn, 1998). Instead, she was encouraged to think of being female as a problem (Boigeol, 2003; Fuchs Epstein et al., 1995).

In relation to career prospects, guest speakers at institution A had, according to Maria and Serena, again delivered a crucially important message which was not necessarily explicitly addressed in the formal curriculum. That message was that applicants for training contracts were less likely to succeed if they did not fit a “mould” of a “sleek, efficient business type” (Maria, no t/c, institution A [initial study]) and that in any event most of the students on the LPC at institution A would not get a training contract:

while I was listening to [the guest speaker’s] lecture, I thought that he was a really bad person.....he came and he said, ‘most of you won’t get a training contract’....and then he was talking [about] how tough it is, how hard it is, how almost impossible it is out there.....he just came out and said the truth (Serena, no t/c, institution A [initial study]).

Serena’s reaction to this shows clearly that so far as she was concerned the LPC had hitherto failed to help her understand the realities of the legal recruitment

market. It was only through extra-curricular activity that she appeared to have come to an appreciation of its realities:

[I thought of the speaker]' you're terrible, you shouldn't be allowed to come here and just, I don't know, ruin our imaginary world with all the things you're saying' (Serena, no t/c, institution A [initial study]).

It is clear that messages delivered directly from practice (rather than by tutors) appear to be particularly powerful. In this study, however, they were delivered in a context which was not part of the formal curriculum, and therefore unlikely to be accessed by all students.

The informal curriculum provides an obvious opportunity for development of both *outward-facing* and *inner/personal* aspects of professional identity. However, it is by definition an 'add-on' to the formal curriculum and this means that it is generally not allocated time in the course timetable, with the result that participants had limited time to engage with it in what was a busy and demanding year. Those without training contracts tried to access it because they felt that it would help to develop the outward-facing aspects of their professional identities. Once again, these attitudes are not surprising given the stated aims of the LPC but they do suggest a lack of awareness of the importance (discussed in **Chapter 1**) of reflecting on *inner/personal* aspects of professional identity; in a market where training contracts are hard to come by, however, it may be that the development of this aspect of professional identity is seen as a luxury rather than as something to which attention must be paid in order that identity dissonance (Yang Costello, 2005) may, as far as is possible, be avoided and that individuals may feel authenticity (Hitlin, 2003) in their professional lives.

The limited data relating to guest speakers suggest that they were capable of delivering powerful messages in relation to the realities of life in practice; these had not been delivered by the formal curriculum, the role of which was to ensure technical competence.

This chapter has so far examined the significance of the effect on participant professional identities of what might perhaps be termed the deliberately-provided aspects of the LPC which, as discussed above, are geared towards achieving the SRA's LPC outcomes and towards helping students in aspects of their search for a training contract. What have not yet been considered, though, are the unofficial or less visible aspects of LPC provision which I suggest may nonetheless have significance so far as professional identity formation is concerned.

In relation to the 'hidden' curriculum the differences between students with and without training contracts was much less great than existed in relation to other aspects of the curriculum, but nonetheless some significant distinctions were observed.

6.2 The 'hidden' curriculum: relating to others and institutional culture

This section deals with the effect on participants who did not have training contracts of aspects of their LPC experience such as their relationships with tutors and peers, and institutional culture.

Tutors as role models

I mention in **Chapter 5** that, so far as tutor influence was concerned, there appeared to be no dramatic difference between the observations of participants with or without training contracts. The data did, however, hint at the possibility that

for those without training contracts (and who may not therefore have had as much exposure to solicitors in practice) it was somewhat more likely that tutors might be seen as models of aspects of lawyerly behaviour. Rowena did have some previous legal work experience and observed that:

I feel like to really know what a solicitor is like you either have to observe them in practice or you have to go for a drink with them, you have to go and sit down, and they have to be totally honest with you.... I don't know how accurate it really is of their practice [referring to LPC tutors] and obviously everything is very clinical and contained. (Rowena, no t/c, institution B).

This tendency for those who had rather more legal work experience to be less likely to see tutors as clear role models may, therefore, have been because they had spent time in a practice environment and so had less need to rely on proxy indications of what solicitors were like; Rowena again seems to recognise this:

I think the picture of what it's like in practice has been illustrated to me a bit more by actually seeing solicitors in practice (Rowena, no t/c, institution B).

By way of contrast, Linda and Antonia who had very little legal work experience appeared to value the practical advice given by tutors:

well, they're quite abrupt...they just want things done but this way and make sure it's done.....you always get stories; like don't do this or do it this way, this style, kind of, you know, learning from their mistakes in a way, or shortcuts (Linda, no t/c, institution C).

I remember doing a class here, one of the lecturers said something that hit me she said, 'you know when you become a lawyer you have to watch what

you say from what you don't say', and what you say is that you don't say anything because what you say could be held against you and it could lead to misconduct or whatever. You can't be just talking anything, so you have to watch your behaviour and watch who you speak to and how much you say..... (Antonia, no t/c, institution C).

Nonetheless, there was little sense that participants were aware of tutors modelling aspects of legal professional identity which went beyond fairly superficial dimensions of technical competence and regulatory compliance; perhaps this was to be expected of participants whose understanding of the nuances and complexities of the professional field was that of an outsider, with limited understanding of its doxa, or the

“set of beliefs that inform the shared habitus of those operating within the field” (Deer, 2014, p. 120).

However, as suggested in **Chapter 5**, in relation to the experiences of those with training contracts, that is not to say that unconscious assimilation to the masculinised status quo was not also taking place.

Peer relationships

For participants with training contracts, fellow students were often seen as people against whom they would be in competition in future, for example when applying for jobs on qualification. For those without training contracts, however, there appeared to be a more immediate sense of competition because of an awareness that they were vying for resources (training contracts) which were scarce in the

field. It meant that students were cautious about the advice they gave to others, as indicated by these reflections from Linda and Marie:

....but obviously I want a job like them so I don't really want to help them. I may seem like I'm a horrible person, but...(Linda, no t/c, institution C)

we're all based in [name of city], there are lots of people going for the [name of city] jobs....people that you know, and you know, people talk....I didn't tell anyone about the interview I had....and then somehow, people are coming up to you and going 'oh, I hear you had an interview', and I'm like, 'how did that happen?'...and they're asking 'what tips do you know?' and I just sat there and I said 'I don't know any more than you do at this stage and even if I did I wouldn't help you because we're all in competition with each other' (Marie, no t/c, institution A [initial study]).

Yang Costello (2005) suggests that competitiveness among some female US law school students was uncomfortable for other female students to witness and may have been the result of unconscious assimilation to masculine behaviour because it is seen as what is necessary as being “*sanctioned*” (p.140) by the legal profession. In my study it was not clear that this was the case.

Participants did also talk about the more positive aspects of their interactions with their peers: learning to work better in groups of people (which was seen by them as being an important feature of the *outward-facing* aspect of their professional identities) and using peers as both positive and negative role models (which I suggest is different from the slightly more instrumental sort of comparison described above, where competition was the main motivation). Sophia (no t/c,

institution D), for example appreciated the potential for her peer relationships to inform the continued development of her lawyerly habitus and commented that

I think there are a couple of people that....who were slightly older, and very much knew what they were doing, and it was very nice to watch, and you could think 'Oh, I want to be like them; they know what they're doing'.....it was good to watch because you could take that and try to do it yourself
(Sophia, no t/c, institution D).

However, it may have been that the potential for this sort of positive influence was limited by some participants' tendency to mix most with those who were in similar positions to them. This appeared to happen most at institutions where, for some or all subjects, participants were taught in groups of students who were like them; either (in the case of institution D) those who already had training contracts and were going to particular firms or (in the case of institution C) students from Trinidad and Tobago.

What appeared to be missing from participants' reflections was any significant sense that their peers were fellow nascent professionals to whom they therefore owed professional obligations of altruism. If peer relationships did encourage participants to reflect on the *inner/personal* aspect of their identities they did so in such a way that self-preservation was prioritised. This is perhaps not surprising in light of my suggestion in **Chapter 4** that the regulatory framework within which the solicitors' profession now operates is one where competition and market forces may appear to be prioritised over and to contrast sharply with traditional ideas of professionalism (Muzio & Flood, 2012). For students without training contracts

there must often be no obvious sense of affiliation to any group or body (Ching et al., 2015).

Institutional culture

My approach to issues of institutional culture is explained in **Chapter 5** where I discuss the particular significance of three aspects of institutional culture: the practice-area bias of the course at a particular institution, the proportion of students on the course who have training contracts, and the tendency for students to mix with one another outside formal teaching sessions. I also mention that it was significant for all participants that course handbooks appeared to reflect and so endorse the hegemonic "*long hours culture*" of the profession (Webley & Duff, 2007, p. 384).

For participants without training contracts, I suggest that institutional culture was important because it tended to imply a general acceptance of a professional norm which is gendered and valorises the sort of boundless commitment which may be difficult for women to display (Sommerlad, 2002; Webley & Duff, 2007) and which nonetheless might, as a result of the influence of that institutional culture, be seen by participants as an essential element of the *outward-facing* aspect of professional identity. This may have made some participants wonder whether the *outward-facing* and *inner/personal* aspects of their professional identities were likely to sit comfortably with one another. Such messages may be significant for those without training contracts, who may see them as yet another indication that a career in the solicitors' profession may not be for them, particularly since gender is an aspect of identity (both personal and professional) which is usually fixed (McNay, 2000), particularly since these participants tended not to have the

advantage of being from a more privileged class background, which might have mitigated to some extent the 'disadvantage' of their gender (Dillabough, 2004).

I further suggest that the practice-area bias of the institution attended by participants who do not have training contracts also appears particularly significant. have explained in **Chapter 5** that the data indicated a strong commercial bias at institutions B and D, which was felt by participants. At institution B, two participants who did not have training contracts and wanted to go into non-commercial practice areas identified this and one saw it as an emphasis on 'money-making' practice areas. For Rowena, who wanted to work in human rights, it may have been that a different course with less of a commercial bias or professional doxa might have helped her more easily to envisage her "*possible self*" (Oyserman et al., 2006, p. 188) and to feel more comfortable during the course. As it was, her experience of the course as it was made her feel unusual or exceptional:

it's [ie commercial practice is] the most popular area isn't it? So, obviously people want to go and make money with their degrees with the LPC. So, obviously it's just what's popular (Rowena, no t/c, institution B).

For Sophia (no t/c) at institution D the elective choices available meant that she could not easily explore her interest in criminal law (there was no advanced criminal litigation elective), which she felt was unfortunate. The data from this study therefore suggest that those interested in non-commercial practice may well feel marginalised at some institutions and there may be a danger that they feel that the *inner/personal* aspect of their professional identity is inappropriate and that, therefore, they are outsiders not just as a result of their gender and class

background but also because of their practice-area preferences. It is easy to imagine that, viewed from such a perspective, chances of access to the profession must seem slim indeed.

Once again, data in this study suggest strongly that despite the apparent importance of these ‘hidden’ aspects of the VPT experience for the development of participants’ professional identities they remain unacknowledged or invisible aspects of the process which are not formally recognised as having significance and as such, the opportunities they present for facilitating the development of professional identity, particularly *inner/personal* aspects are not exploited.

6.3 Struggling on: not having a training contract and reflections on the LPC

By the time participants were interviewed towards the end of the course, none of those who started without a training contract had subsequently gained one. For these participants, life on the LPC had been generally more difficult. As well as not having the practical advantages (such as often having help with payment of LPC course fees, and not having to spend time during the course looking for training contracts) enjoyed by those with training contracts, many of those who had recognised that there were deficits in the *outward-facing* aspect of their professional identity had to try to do professional identity work and engage in the reflexive process of constructing a narrative of employability (Francis, 2015) without any sort of detailed understanding of the nature of the field (firm, or even sector) in which they might eventually be working.

In **Chapter 3** I discuss the state, at the beginning of the LPC, of the legal professional identities of those who do not have training contracts. I argue that in general the *outward-facing* aspect of their identities tended to be less well-formed

and that a significant proportion identified this deficit; lack of work experience and legal connections were mentioned, as well as a lack of overall ease or confidence in relation to legal work. By the end of the LPC, the position was not significantly different in relation to work experience and connections, although many participants without training contracts did feel more confidence in relation to their competence to do legal work. Nonetheless, participants without training contracts did in general look to the future with some uncertainty. Without a training contract their professional futures were unknown and contingent. There was perhaps a sense that the LPC had been a haven or hiatus from reality. According to Mary:

so now when you get out of the LPC you get your certificate, then it's wake up in the real world, now you don't have something to go to every day, you don't have something to occupy yourself with, you don't have that sort of faith you had, you're out there and you try to get a job, when you probably get more often rejected. So the LPC has been a chore to some extent but also a safe bet, do you know what I mean because you don't have to do certain things whereas in a few months' time I probably will have to (Mary, no t/c, institution B).

Serena's reaction to a guest speaker who mentioned the difficulty of getting a training contract suggests a similar sense of the sheltering role of the LPC:

you're terrible, you shouldn't be allowed to come here and just, I don't know, ruin our imaginary world with all the things you're saying (Serena, no t/c, institution A [initial study]).

Now that the course was coming to an end, the distractions of study were no longer available. Perhaps it was not useful for participants who did not have

training contracts to have been able during the LPC to 'sideline' their search for a training contract in this way and there may have been scope for providers to place more explicit emphasis on the LPC as a stage in the reflexive process of professional identity formation.

Chapter 5 mentions the feelings of superiority and stratification which may be engendered by firm-specific teaching arrangements. For those without training contracts (particularly those at institutions where such firm-specific arrangements are in place) it is reasonable to suppose that they may have felt that they were getting an inferior sort of LPC experience; Faulconbridge & Muzio (2009) suggest the possibility that

“the specialist focus, which characterises contemporary education and in particular the development of firm specific programs,.....could lead to the creation of a divisive two tier system of professional education” (p.1357).

In this study there are limited data on this issue; only one student at institution D (Sophia) was without a training contract and she did not appear to have particularly strong feelings in this regard. This may have been because she herself had many of the sorts of cultural and social capital which would be associated with a candidate with the 'right' sort of *outward-facing* aspect of professional identity (2:1 degree from a Russell Group university, plenty of work experience; head girl at school) and had made a conscious decision not to apply for training contracts until after the end of her degree; she appeared to feel reasonably confident that she would get a training contract in due course. Nonetheless, in an environment where it is possible to observe the ways in which training firms are instrumental in building students' senses of legal professional identity (Cook et al., 2009) it is not

hard to imagine the feelings of inferiority and uncertainty which must be engendered in those who do not have that influence, nor to imagine that professional identity may in part be defined in opposition to a privileged 'other' (whether at the participant's own institution or not). If organisational competence is perceived as being a good thing, where does this leave the student who has no organisation with which to align themselves, particularly when it is suggested (Ashley & Empson, 2016b) that exclusionary recruitment practices may now operate at an organisational rather than a profession-wide level?

The construction of the right *outward-facing* aspect of professional identity was, therefore, problematic and this issue is considered in more detail in the following section where it is suggested that participants were prepared for a period of uncertainty in which they might need to re-imagine that *outward-facing* aspect of their professional identities as part of some significant reflexive work (Sweetman, 2003).

On to the next challenge: the continuing struggle to construct the right *outward-facing* aspect of professional identity

Participants tended to be better informed by the end of the course about the difficulty of getting a training contract. The next step for them, therefore, was no longer necessarily getting one (which they had come to realise they might not yet be in a position to achieve) but perhaps paralegal work of some sort, which they hoped might eventually lead to a training contract. Even then, that training contract might not necessarily be in the practice area they had originally anticipated.

Thoughts of post-qualification career strategy and career progression were a long

way off, perhaps especially for the two participants who had not passed all exams at the first sitting.

While at one end of the spectrum some participants with training contracts were thinking about how they might distinguish themselves in their future careers; others without were still thinking about how they would secure that first 'foot in the door' of the solicitors' profession; even becoming part of the "*professional precariat*" (Sommerlad, 2012b) would be difficult. Indeed, Linda (no t/c, institution C) felt this so keenly that in order to get inside a firm she was even considering offering to do unpaid typing work.

On the whole, then, the *outward-facing* aspect of participants' professional identities had not, in most cases, been significantly developed during the LPC and so many of these participants, therefore, found themselves in a position where they had learned something about what they lacked, but were not able to do much about it.

On one level, the problem was to do with 'CV points'; the objective information which would appear on a CV. Work experience was a significant issue. Although participants such as Linda clearly saw its value:

I'm telling my brother now, 'get work experience'. If someone [had done that for me] then I'd definitely go and try and get a bit more because you've got to have experience to get work experience as well. And then no one's going to give you experience without that, it keeps going around.....(Linda, no t/c, institution C),

many still had not managed to secure significant amounts. Once more, students without training contracts were in a more difficult position than those with; those who had most need of a situated learning experience which would help them to develop the *outward-facing* aspect of their legal professional identities were those who were not afforded that opportunity by the LPC. Paradoxically, those who already had training contracts and were being taught with firm-specific arrangements were the LPC students whose experience might be called situated learning even though these were the students whose need to further develop the *outward-facing* aspect of their professional identity was considerably less pressing.

More fundamentally, though, some participants without contracts also reflected on the outward-facing aspect of professional identity in ways which suggested a developing awareness of the structural barriers which might exist for those who come from less privileged class backgrounds and so lack the social capital of connections, or a “*sense of understanding and belonging*” (C. Burke, 2016, p. 14).

Rowena (no t/c, institution B) talked about a student she had met at a party:

I think he went to Eton or something and daddy is a big QC in London.....he said, ‘Yeah, I’ve got two routes in life, one of the routes is obviously that I can get into politics because my dad knows so many MPs, it wouldn’t be a problem.....it wouldn’t be an issue’.....he thought it was so fantastic that there was no way he could do badly at anything and he had that confidence and his whole life he just grew up with lawyers and barristers around him, and the most professional people and politicians and...that’s going to help you..... I believe what he says. I’ve met several people...I’ve met a lot of people like that actually. It’s true. I mean, there are the people on the LPC, the very few people who have training

contracts, I think about three quarters of them have them because someone in their family knows someone or is a family member to them (Rowena, no t/c, institution B).

The advantages of having connections in the legal profession are also discussed by Linda and Helen:

you've got to know people as well, it's not what you know, it's who you know, it's a lot easier because if I knew someone in a firm then like that would be brilliant, I'd get work experience straightaway (Linda, no t/c, institution C)

I tried to network all on my own and essentially to develop my own web. It is a lot easier for people who maybe have at least a small web already established or someone they can go to who can connect them into either a firm or something. Just even for work experience, I don't mean for a training contract; that sort of thing it is definitely about who you know. I feel it is sort of a leg up. I am not saying I am not going to get there [but] I feel like I might have to work a little bit harder to meet those contacts (Helen, no t/c, institution B).

For these participants, the issue was nothing to do with technical competence. I have explained that those without training contracts did feel that the formal curriculum had increased their confidence in their ability to perform the tasks of a solicitor:

I feel like I would have the skills I need to attempt it [a legal task] and if I couldn't complete it to the standard required then I would know where else to look. (Jennifer, no t/c, institution B).

I definitely feel that myself, I'm confident in what I want to do....I'm a lot more confident in practice than I was.....definitely, I'd have a good old bash at it [a legal task] (Linda, no t/c, institution C).

However, participants had learned that being able to do those tasks, ie having employability in the sense that one has the necessary qualifications of GDL/law degree together with having passed the LPC (see **Chapters 1** and **2** for more detailed discussion in this regard), was not necessarily going to be enough to enable them easily to get a training contract and was certainly not the same thing as having the “*prior positioning*” (Francis, 2015, p. 6) which made one likely to be selected by a firm on the basis that one had the sort of cultural capital which would mark them out as the ‘right’ sort of employee (Cook et al., 2009). Cara clearly expressed her frustration in this regard:

I understand that they [firms] have to deal with thousands of applications, so they have to have some method to filter them, but the methodology is applied so rigidly that it's very hard for me, as a non-standard candidate [Cara was significantly older than most LPC students], to tick all the boxes. And that's going to be the hardest thing, just getting in the door. Once I'm in the door, I know that I'll do a great job, and they'll be delighted. Because I've done that all my life..... I applied to a firm recently and they rejected my application because I don't have any A levels, so I wrote back to them and asked them very nicely to reconsider because, after all, I have two

good degrees, one of them is from Oxford, I've got 20 years of really good work experience: it's not about my A-levels, is it? It's about my age. That's what they're frightened of (Cara, no t/c, institution A [initial study]).

To compound the problem, the realisation that they were at a disadvantage in the fight for work experience and, ultimately, training contracts appeared also to have had a negative effect on participants' perceptions of themselves and so on their levels of self-confidence, so further diminishing their cultural capital and perhaps even cancelling out the confidence they had developed in their technical abilities and making it more difficult for them to envisage their "*possible selves*" (Oyserman et al., 2006, p. 188). Rowena (no t/c, institution B), Linda (no t/c, institution C) and Cara (no t/c, institution A [initial study]) all said that because they had realised the difficulties of the job market there was a sense in which they felt less like lawyers than they had at the beginning of the course. Linda (no t/c, institution C) explained the feeling very simply:

It's just the fact that there's no jobs going....there's so much competition for jobs.

The difficulty of constructing the right sort of *outward-facing* aspect of professional identity meant that inevitably participants without training contracts found themselves making contingency plans. The next section explains the ways in which, as a result, they contemplated the possibility of future identity dissonance.

Signs of identity dissonance?: *inner/personal* aspects of professional identity

The realisation that it was going to be very difficult to get a training contract had, in several cases, made participants more willing to consider practice areas they would not originally have thought about and overall there was some sense of fluidity and reflexivity in the construction of their professional identities (Bauman, 2000, 2007; Kellner, 1992). Although these participants had thought with care about the *inner/personal* aspect of their professional identities they appeared prepared to accept a period of uncomfortable identity dissonance; of re-ordering of priorities (M. Archer, 2003) if this would help them to get a contract. Rowena (no t/c, institution B) had said in her first interview that she wanted to do human rights work and was motivated by remedying injustice and helping the marginalised. She had, during the LPC, made an unsuccessful training contract application to work in a human rights firm and had not got an interview. The firm had told her there had been 600 applicants. This had made her think about the possibility of training at a firm which specialised in a different area; perhaps commercial; as her perception was that this might be easier to get into. For her, the discomfort of taking such a step would be a price worth paying although she perhaps did not realise the difficulty of switching between practice areas post-qualification (Boon, Duff, & Shiner, 2001) and this in itself served further to indicate a lack of understanding of the professional field.

Once trained, and therefore in a more powerful field position (Battilana, 2006) she would plan to move into her preferred practice area, which was something she had seen people do in the past:

I just need to be realistic because really, I need to get trained up.....I'm going to be a solicitor...this will not have been for nothing.....I've got the option of, I don't know, maybe doing conveyancing or something and on the other hand going commercial. To be honest....this sounds horrible, this is the snob in me, I do not want to sell houses. I don't want to do anything like that.....It's [about] the prestige of the job, isn't it? I guess that is important to me because the main reason I want to do human rights is obviously to help people, but...you also do it because it is a prestigious job.....my first round of applications are for the areas I really want to get into, but if that doesn't work I'm just going to have to do the thing that's not ideal for me to do. My preferred route would be to get into one of the firms I want to get into, even as a paralegal, I don't care, but if that doesn't work I am just going to have to bite the bullet.....[if that meant going into commercial work] I would have to apply my acting ability, wouldn't I? I couldn't give a thought to what happens to a company, honestly, but I'll just have to pretend I do and if it's your job, you are getting paid and they are training you up, you just have to do it...I can spread my wings and fly at the end of it and then I can say, 'screw you' and leave (Rowena, no t/c, institution B).

Jennifer (who had in her first interview said that she wanted to do advocacy work and that it was important to her to do work which would help others and be of service to the public) said the following of property work:

I think it's one of those fall-back areas that a lot of solicitors maybe don't seek out to do exclusively but it's a good line of work that will always bring in some money ...it's a good fall-back (Jennifer, no t/c, institution B).

Such attitudes were an indication that for these participants it was important to qualify as a solicitor, even if it meant working in a different area of the profession; both Jennifer and Rowena also appeared to feel something of a sense of desperation, as is illustrated in the following observation from Jennifer:

....in three months I'll have to start making loan repayments and the only way to defer those payments if I don't have a well-paying job, will be to sign on. So, I think at this point...I don't know, it will just have to be constantly applying and if worse comes to worse, I will have to work free somewhere just to get my foot in the door. If after two months if I am not taken on, then I will have to move on (Jennifer, no t/c, institution B).

In spite of these prospects of dissonance, though, there was a sense in which these participants' uncertain career trajectories did at least give them some degree of freedom and flexibility; when they contemplated their next steps it was clear that a range of options would be available to them and that there would be no question of being constrained by any sort of organisational affiliation. They were likely to be exposed to a wide range of possibilities, which might in turn give them the opportunity, over time, to construct carefully-considered legal professional identities. Although they anticipated the need to work in areas they might not have chosen, there were indications that doing this would be a means to an end and would not alter their sense of the *inner/personal* aspect of their professional identities. Indeed, Rowena made it very clear that one of her reasons for being uncomfortable about property work is that she did not attach as much prestige to it as to human rights work. Perhaps, in the long run, the absence of constraining organisational identity would allow these participants to construct professional identities in which there was congruence between *outward-facing* and

inner/personal aspects. Sophia even appeared to feel that she still had the freedom to decide not to try to become a solicitor after all:

I'm still quite open-minded, obviously if I got something this year then I would be very happy, and I would do that, but then I'm not sure I want it enough to go through the whole [recruitment] year again, doing vac scheme applications and training contract applications, it just feels it does take a lot of time and I feel like I could be doing another job and be getting paid, and be starting that, and probably enjoying it as well (Sophia, no t/c, institution D).

By way of contrast, the speed and ease with which one participant with a training contract had been able to construct the outward-facing aspect of her own professional identity had meant that it was only during the LPC that she had come to realise that if she had completed the LPC and gone on to work in her training firm:

I wouldn't really have felt like I was my true self; I would have been leading this sort of...one of my friends said it....this sort of alien life for a while.....so you're not only stressed because you're not very good at it but also because you're stressed at being in a job that you think is not making you be your best possible self (Cassandra, t/c, institution D).

Where the nature of these participants' professional identities was so contingent, it was perhaps not surprising that they had not given a great deal of further thought to the implications of gender. The following section discusses this issue in more detail.

The place of gender

Participants without training contracts tended to have relatively little to say about gender at the end of the LPC. This may have been because the potential significance of gender in a future legal career which was already uncertain, contingent and not even necessarily aligned to the practice area they had originally chosen was an issue which was too difficult to contemplate, as the following quotes illustrate:

I am not in the system yet. So when I become a trainee and later on I would think about it (Anita, no t/c, institution B)

I want to get a training contract, do the two years and then become qualified, but I want something where , should my personal life take precedence for a while, I can go back into it later, so, yeah, that's going to be what I want out of it. Whether they'd be willing to let me dip in and dip out is another situation.....personally that's a couple of obstacles that potentially may come up within the firm; I don't know. (Marie, no t/c, institution A [initial study]).

It was noticeable that such thoughts were somewhat less formed than those of the participants with training contracts, who were perhaps better able to imagine a specific context for this contingency. However, once again, they tended to focus on the impact that having children might have, rather than on the wider implications of gender and the more pervasive and subtle structural barriers they might encounter as a result of their gender (Haynes, 2012; Muzio & Tomlinson, 2012; Sommerlad, 2016). Still less did they appear to appreciate that such barriers were perhaps more likely because they might be situated at the intersection of not

one but two dimensions of disadvantage; gender and class. For them, as opposed to the participants who had training contracts, who tended to be from more privileged class backgrounds, it was possible that the disadvantage of gender would be felt more keenly (Dillabough, 2004).

Nonetheless, as suggested above in relation to the culture of the LPC provider institutions discussed in this study, it is arguable that during the course participants without training contracts were absorbing unintentional messages about the gendered nature of legal practice. From their positions at the edge of the professional field, and given the intersections of relative socio-economic disadvantage which many of them had to face, their gender may therefore have been adding to the difficulties they faced in seeing themselves as members of the profession.

6.4 Conclusions

The purpose of this chapter has been to establish the extent to which and the ways in which the professional identities of participants without training contracts appeared to have altered because of their experiences of the LPC.

The findings outlined indicate that as a result of the contingent field position in which they found themselves due to the deficits in capital by which they had been hampered at the start of the course, and the difficulties of remedying such defects during the course, these participants' professional identities had not been significantly altered by their experience of the LPC. However, the reasons for this were different from the reasons (described in **Chapter 5**) the LPC had limited effect on the professional identities of those participants with training contracts. Of particular significance were the different attitudes of the two groups towards the

formal curriculum, and the extent to which they attached value to the informal curriculum.

At the time interviews were carried out towards the end of the course, none of the participants who had started without a training contract had gained one. Although many appeared to feel more confident in their technical abilities they were not particularly optimistic about finding a training contract and saw their futures in rather uncertain terms.

Participants valued the formal curriculum because of the part they felt it had played in developing the *outward-facing* aspect of their professional identities. They had acquired knowledge and technical competencies (they were interviewed before their final elective subject exams and so at the time could only assume they would pass the LPC overall and be able to add to their accumulation of institutionalised cultural capital). They had also developed some limited confidence in the idea of themselves as solicitors, and appeared in that sense to have somewhat more of a “*sense of the game*” (Wacquant, 1989, p. 42). However, they tended not to recognise that their opportunities for accessing the profession were still heavily constrained by historical deficits in social and cultural capital (such as lack of work experience, lack of legal connections and university attended) which are a result of class background but are treated as indicators of merit (Bourdieu, 1986) and which could not be addressed by the LPC in any significant way.

On the other hand, opportunities afforded by the informal curriculum and which might have provided some support in accessing the profession were difficult to exploit and, in any event, tended to be inferior proxies for the sort of early experiences (such as work experience) which enable those in privileged positions

to develop a “*feel for the game*” (Bourdieu, 1990b, p. 66) well before they begin the LPC. In their relatively precarious field position, these participants appeared also to be more susceptible to suggestions that their gender constituted a form of “*negative cultural capital*” (Sommerlad, 2007, p. 212). This suggestibility is in marked contrast to the general confidence felt by those with training contracts, whose experiences are described in **Chapter 5**, and who may as a result of their class background have benefitted from

“parental socialisation [which] had reinforced the idea that [they] would be able to achieve no matter what they did” (Schleef, 2006, p. 47).

Turning from the *outward-facing* to the *inner/personal* aspect of professional identity, not having a training contract did appear to allow participants greater freedom to think about the paths their careers might take, and in this sense there were signs that they may have been able to engage more in reflection on the *inner/personal* aspect of their professional identities than was possible for those with training contracts. Those without were able to imagine moving between firms and types of work, and to countenance periods of identity dissonance which they might be prepared to bear in order eventually to qualify as a solicitor and work in their chosen field.

However, the path ahead was somewhat uncertain and the issue of gender represented just one dimension of a sometimes complicated intersection of disadvantage. It would be difficult for them to overcome the structuring inequalities of the professional field, within which they had limited strength (Wacquant, 1989, p. 40) and so limited prospects of success. It is important also to recognise the possibility that some of these participants, regardless of issues of class and

gender might simply not have been strong enough candidates in a highly competitive field.

This chapter and **Chapter 5** have addressed the research sub-question:

What is the significance, and how does it vary between female students from different class backgrounds, of different aspects of vocational professional training and the LPC curriculum?

The next chapter will conclude the thesis by summarising the findings from this study and discussing implications for practice and recommendations for future research.

Chapter 7 – Conclusions, implications and recommendations

This chapter summarises my findings and explains how they have enabled me to describe, understand and interpret female participants' experiences of the VPT process in order to answer my research questions. It then goes on to explain how my study has contributed to knowledge in the field of legal professional identities and the professional socialisation process. Finally, it discusses the implications of the study and makes some recommendations for future practice and research.

7.1 Summary of findings

Two persisting inequalities within the solicitors' profession are identified in **Chapter 1** of this thesis: first, the class bias which it is argued still exists in the process for recruitment to trainee solicitor jobs; and second, the ways in which women (despite their growing numbers) are disadvantaged in the profession. The resilience of these barriers raises questions about systems of legal education and training in England and Wales and their potential role in sustaining or addressing the problem. The VPT process is a highly significant stage in the development of individual legal careers and the process of professional socialisation. It is therefore crucial that its current role be examined so as to ascertain the ways in which it may, in its present form, address, reflect, perpetuate or even exacerbate the inequalities identified above, with particular focus on the significance of the intersection between class and gender.

The study therefore set out to answer the following research questions:

Main research question:

What is the significance of the vocational professional training process as a site of professional identity formation and professional socialisation for intending female solicitors?

Sub-questions:

How does the significance of the vocational professional training process vary between female students from different class backgrounds? (Findings discussed in Chapters 3,4,5 and 6)

What is the significance, and how does it vary between female students from different class backgrounds, of different aspects of vocational professional training and the LPC curriculum? (Findings discussed in Chapters 5 and 6).

The study draws on a range of concepts including professional identity, professional socialisation, and profession, and on aspects of Bourdieu's Theory of Practice to analyse what happens to female students' professional identities as a result of their experiences of the LPC. It examines this crucial moment in the process of professional socialisation and in doing so brings into sharp focus the role of the LPC in relation to issues of class and gender. It has found that crucial to an understanding of the significance of the course and students' experiences of it is the distinction between students who did and did not have training contracts when they began it. Those participants who did have training contracts were more likely to be from more privileged class backgrounds and consequently to possess more of the cultural and social capital (and therefore to have more successfully

developed the required habitus) which is valued in the field of the solicitors' profession in England and Wales. Because of this, they began the LPC in a relatively strong and embedded field position. This study has therefore established that field position was a crucial factor in determining the significance of the LPC to an individual participant. It influenced what participants needed from the LPC so far as professional identity formation was concerned; what a participant expected of the LPC; and how that participant experienced the course.

In terms of development of their professional identities, participants had disparate needs at the beginning of the course. This thesis has suggested that when looking at development of an individual's professional identity it may be useful to consider both *outward-facing* and *inner/personal* aspects of that identity, that students may have developmental needs in relation to both aspects, and that there is potential for VPT to address such needs.

Participants without training contracts seeking to access the profession were on the margins of the professional field, often because they had not accumulated sufficient cultural and social capital. For them, it was important to seek to develop the *outward-facing* aspect of professional identity by working to acquire that capital and to develop their lawyerly habitus and "*feel for the game*" (Bourdieu, 1990a, p. 66), so as to be able to demonstrate appropriate indicators of merit (Sommerlad, 2012a). Those with training contracts, however, tended to demonstrate an *outward-facing* aspect of professional identity with which they felt satisfied and did not usually identify significant capital deficits in themselves. Indeed, probably as a consequence of their more privileged class position, which had eased their paths into the solicitors' profession, they did not recognise their gender as a form of "*negative cultural capital*" (Sommerlad, 2007, p. 212); it had caused them no

problems so far (Costello, 1997) and in general they had a sense of belonging (C. Burke, 2016) within the profession. Amongst those without training contracts, and in relation to the *outward-facing* aspect of professional identity, there was somewhat more of a tendency to mistakenly identify gender as being an obstacle to accessing the profession. It is possible that these participants' lack of understanding of the field had obscured for them the greater significance of subtle forms of capital deficit which were linked with the persistently classed nature of the profession (Ashley et al., 2015; Webley et al., 2016) and which were in reality more significant, so far as access to the profession was concerned, than issues of gender.

Turning to the *inner/personal* aspect of professional identity, for all participants the LPC might have been a space in which they could reflect upon and be critical of the hegemonies and inequalities of the profession (see Sommerlad (2008) for an acknowledgment of the potential of VPT in this regard), which the literature suggests were likely to affect them as their careers progressed, particularly so far as gender was concerned (Fuchs Epstein et al., 1995; Sommerlad, 2016; Tomlinson et al., 2013; Webley & Duff, 2007). It might therefore have been an opportunity for them to think about the *inner/personal* aspect of their professional identities and about not only how they wanted to be as individual lawyers and the values which would be important to them in their practice, but also the agency they might have to bring about change in relation to the capital which is valued in the professional field, so potentially addressing the structural inequalities operating around issues of class and gender. For those without training contracts, there was perhaps more freedom to reflect on these issues because, as members of a "*professional precariat*" (Sommerlad, 2012b) they were much less likely to have

professional identities which were closely linked with the structures and values of a particular firm, which may vary significantly (A. Evans, 2014). However, a sense of professional belonging as an element of the *inner/personal* aspect of professional identity was difficult for them to achieve without this. It is clear, then, that at the beginning of the LPC participants had differing needs in relation to professional identity development and that these needs varied in particular between those who did and did not have training contracts.

Expectations of the LPC also varied markedly. In general, all participants had expectations relating to the development of the *outward-facing* aspect of their identities; for some as members of a particular firm, who were to be taught a firm-specific LPC, and for others as aspiring entrants to the profession, who needed first to overcome the entry barriers they faced. However, for a variety of reasons (and not least because of the stated aims of the course, which are discussed in **Chapter 4**), expectations were not directly linked with issues to do with the *inner/personal* aspect of professional identity formation. The LPC was not an environment within which participants expected to engage critically with the structures of the profession (Pue, 2008, identifies this as a limitation of vocational legal education in Canada) and this in itself may have made it less likely that participants would be sensitive to opportunities to think about these issues where they arose. LPC provider institutions had been chosen without much thought or any real appreciation of the socialising role of institutional culture or possible variations between institutions in this regard, which the data from this study suggest were significant.

The tendency by participants not to expect to reflect on these issues during the LPC or to think about the possibilities for working in legal practice in a different

way, with reference to “*a wider values-based approach to professional identity*” (Webley & Duff, 2007, p. 374), suggests that perhaps participants recognised the hegemonies of legal professional culture for objective realities (Bourdieu, 1990) and did not think about whether they might want or be able to contribute towards changing them; there is scope for “*a reflexive identity transformation of both the profession and the individual entrant*” (Sommerlad, 2007, p. 193) although it is acknowledged that initially the power of those at the edge of the field (such as women coming into a training contract, or those who do not even have training contracts) is limited (Battilana, 2006; Francis, 2011).

It is likely that the expectations described above influenced participants’ attitudes to the course. These, too, varied significantly. For a number of participants with training contracts it appeared difficult to see the LPC as a valuable experience. The status of the LPC was not therefore such that successful completion of the vocational stage of training conferred any sort of shared social honour (Weber, 1968) or provided an especially valuable form of cultural capital, unlike their prestigious educational achievements to date, which would be recognised in the field of the legal profession as significant indicators of merit and talent (Sommerlad, 2012a). Rather, the LPC was something akin to an induction to their training firm (Faulconbridge, 2012; Faulconbridge & Muzio, 2009) and participants’ experiences of it therefore served to reinforce a sense of professional fragmentation and hierarchy, which was linked to the exclusivity of their own firm and the ‘othering’ of outsiders (Ashley & Empson, 2016b). By way of contrast, a number of those without training contracts expected that the LPC would enable them to develop the *outward-facing* aspect of their professional identity (they hoped to acquire cultural capital in the form of good marks on the course and also

perhaps work experience and other links with the legal profession). Their expectations of the course were therefore substantial but, in themselves, betrayed these participants' lack of understanding of the field and a failure to appreciate their dominated position within it.

Data from interviews carried out towards the end of the course indicated that participants' professional identities, and their relative field positions, had not been significantly altered by their experience of the LPC. For those with training contracts, by the end of the course feelings of stratification and superiority appeared to have been sustained or even strengthened by a formal curriculum which was not very relevant to the somewhat narrowly-constructed *outward-facing* aspect of their professional identity. The LPC experience was not seen, therefore, as having enabled them to accumulate much in the way of additional capital which would be valuable in the field of their training firm, except where firm-specific teaching had been provided. Where firm-specific teaching took place there was little reflection on the hegemonies which prevail within a particular firm or sector. Thus, participants who were bound for the type of firm which dominates the solicitors' profession (Cook et al., 2009) were unlikely as a result of their experience of the LPC to be in a position to bring about any disruption to the field and to challenge processes of social reproduction and there appeared to be few opportunities to "*expose the arbitrariness of the taken for granted*" (Bourdieu, 1977, p. 169). The narrow focus of the tailored course may have been further accentuated because participants with training contracts often chose not to do much in the way of extra-curricular activity on the LPC. In this way, opportunities to reflect on the wider legal profession and the *inner/personal* aspect of their own professional identities were limited. Such limitations may serve to reinforce the

senses of fragmentation and hierarchy which exist within the profession (Bolton & Muzio, 2007; Flood, 2011; Sommerlad et al., 2010) but also appeared to have limited opportunities for participants to reflect on the possibility of identity dissonance (Yang Costello, 2005) in their future careers and on what, if anything, they might do to avoid this.

By way of contrast, participants without training contracts valued the formal curriculum because of the part they felt it had played in developing the *outward-facing* aspect of their professional identities by enabling them to acquire knowledge and technical competence. They had also developed some limited confidence in the *idea* of themselves as solicitors and appeared in that sense to have somewhat more of a “*sense of the game*” (Wacquant, 1989, p. 42). However, they still tended not to recognise that their opportunities for accessing the profession were heavily constrained by historical deficits in social and cultural capital (such as lack of work experience, lack of legal connections and university attended) which are a result of class background but are treated as indicators of merit (Bourdieu, 1986) and which could not be addressed by the LPC in any significant way.

With employability in mind, participants without training contracts, as well as being keen to do well on the course, had tended to try to access as much as possible of the informal LPC provision at their institution, such as opportunities for pro bono work and careers advice. However, opportunities afforded by the informal curriculum and which might have provided some support in accessing the profession had been difficult to exploit and, in any event, tended to be inferior proxies (Francis, 2015) for the sort of early experiences (such as work experience)

which had enabled those in privileged positions to develop a “*feel for the game*” (Bourdieu, 1990, p. 66) well before they began the LPC.

As regards issues of gender, some participants with training contracts had by the end of the LPC developed a rather more nuanced appreciation of its significance as part of their professional identity, and the gendered nature of the profession in general, than they had had at the beginning of the course, and the need for women to be exceptional in order to succeed in the profession (Tomlinson et al., 2013). However, most participants’ concerns appeared still to be limited to the significance of having children and the ways in which this might affect their career, and the LPC experience did not seem to have altered their perceptions in this regard or to have developed their understanding of the wider significance of gender so far as progress and success within the profession is concerned (Fuchs Epstein et al., 1995; Tomlinson et al., 2013). They were therefore in no better position, in spite of their relatively strong (class-related) field positions (Dillabough, 2004), to seek to challenge in due course the gendered structures of the profession. In their relatively precarious field position, participants without training contracts appeared to be somewhat more susceptible to suggestions that their gender constituted a form of “*negative cultural capital*” (Sommerlad, 2007, p. 212) which might in itself be a barrier to entering the profession. However, because the path ahead was somewhat uncertain, the issue of gender often represented only one dimension of what was in reality a slightly more complicated intersection of disadvantage. It would be difficult for them to overcome the structuring inequalities of the professional field, within which they had limited strength (Wacquant, 1989, p. 40), and so the significance of gender for a woman who has gained entry to the profession was not given much thought. For all participants, the potential for

female tutors to encourage engagement with and criticism of the gendered nature of the profession was also limited.

My study therefore concludes that for a number of reasons, all of which are linked to the nature of the capital which is valued in the field of the solicitors' profession, the VPT process in its current form is significant as a site of professional identity formation and professional socialisation for intending female solicitors in that it tends to support the structuring inequalities identified in **Chapter 1**, which characterise the solicitors' profession in England and Wales. In answer to my research questions I therefore argue:

- That at the beginning of the LPC there is significant variation both in the degree of development and the nature of student professional identities. Perhaps most dramatic is the difference which tends to exist between those who do and do not have training contracts, and which appears to correlate closely (but not entirely) with class background. Those who do have training contracts tend to be from more privileged backgrounds. Many are likely already to have been socialised at organisational level by their training firm and to feel little need for VPT to develop or influence either aspect of their somewhat narrowly-constructed professional identity because they already feel embedded within the profession and often already feel part of their training firm. By way of contrast, those without are more likely to be from less privileged backgrounds and may have had little opportunity to develop either the *outward-facing* or the *inner/personal* aspect of their professional identity. They remain outsiders to the profession. Because of this polarity, the significance of VPT inevitably varies greatly between students; their experiences are fragmented and their needs, so far as development of their professional identity is concerned, are disparate.

For both groups, issues of gender are obscured at this early stage in their legal career, but for very different reasons which appear to be related to class background. Those with training contracts may, by virtue of their social privilege, have been fast-tracked into easily and uncritically acquired professional identities; their gender has not so far caused them any difficulty and they assume that it will not do so in future. Those without may be insensitive to issues of gender because it is, for the moment, not worth worrying about when there are more pressing entry barriers to be overcome. For neither group does the LPC provide impetus or opportunity to reflect on or criticise the gendered nature of the solicitors' profession.

The polarity of status and need at the beginning of the LPC is problematic and means that it is unrealistic to conceive of VPT as a shared educational path which might somehow support some sort of occupational cohesion, or to expect that in its present form it could support the sort of identity work which would benefit not only individual students for their own sakes, but also those at the margins of the profession who would benefit from a shift in its *collective* professional identity.

- That moreover, anything which might be done to encourage students to develop and reflect on aspects of their professional identity cannot easily be done in the context of current VPT provision. This is because the content and focus of VPT is largely dictated by the SRA's LPC Outcomes and the needs of training firms, and so is very much geared towards ensuring technical competence. Neither regulatory requirements nor market forces provide an obvious rationale for addressing aspects of professional identity and indeed this is not what students expect from the course.

- That the significance of the VPT process therefore lies in the fact that it appears merely to reflect and so perpetuate, or even exacerbate, the gendered, fragmented and stratified status quo within the solicitors' profession in England and Wales.

7.2 Contribution to knowledge

Several empirical studies have looked at aspects of the VPT process for solicitors in England and Wales (in particular Boon & Whyte, 2002; Fancourt, 2004; Sommerlad, 2007) but there has not yet been a study which seeks to examine in detail the influence of the VPT process itself upon, nor to look at the ways in which the process is experienced differently by and therefore has varied significance for, female students from different class backgrounds. This represents a gap in our understanding of how the solicitors' profession in England and Wales is shaped. My study is a contribution to that understanding.

The study's claims to originality are three-fold. First, in terms of subject matter it claims originality because it examines the experiences of students from a range of provider institutions and class backgrounds; it looks specifically at issues of class and gender and it provides a detailed insight into the socialising effect of different aspects of VPT. As such, it contributes to our understanding of how inequalities in the profession may be reflected and even perpetuated by the VPT process in England and Wales.

Secondly, the methodological approach taken in the study is significant. Because I have carried out in-depth, semi-structured interviews I have been able to capture the voices and the *"lived human experience"* (Van Manem, 1990, p. 16) of my participants. By interviewing participants twice in the full study I have been able to

make change a “*central focus of analytic attention*” (Plumridge & Holland, 2003, p. 185) and to investigate the “*dynamic process of how individuals make meaning of their lives and incorporate these meanings as a basis for future action*” (Thomson, Plumridge, & Holland, 2003, p. 214).

Thirdly, the study allows me also to contribute to theoretical understanding in this area in that it yields detailed insights into the significance of class and gender in the process of professional socialisation and the ways in which that intersectionality affects experiences of the process and the development of two separate but overlapping aspects of professional identity: the *outward-facing* and the *inner/personal* aspect.

7.3 Implications and recommendations

The aim of this study was not to produce findings which are generalisable to other settings. I made my methodological decisions because, rather than striving for generalisability, I wanted to achieve a detailed, contextualised understanding of the situation I was investigating (Polit & Beck, 2010) and planned to make this a strength of my work (Myers, 2000). In line with a number of qualitative researchers (Schofield, 2002) I saw generalisability as a goal which was not of central relevance to my study. Nonetheless, I contend that the findings from this study, should they be found to be true of the system of VPT in England and Wales more generally, form a valuable starting point for considering possibilities for making positive change to aspects of the legal education and training process. I also suggest areas in which it may be useful to conduct further research.

Implications for practice

My study has contributed to understanding of the process of professional socialisation and identity formation it is hoped that in turn this will mean that the academic community, practitioners, regulators and The Law Society, all of whom are stakeholders in the field of legal education and training, are in due course able to make informed recommendations or decisions about ways in which any legal education and training process might develop.

In this section I make three separate (but connected) proposals for change. All are proposals for change within the system of legal education, probably at undergraduate level. In restricting my recommendations to this sphere I have in mind Mossman's observation (2006) that change within a legal profession (her discussion is based on her work on the Canadian legal profession and on the position of women in particular, and I do acknowledge Bradney's caveat (2011) about comparing systems of legal education from different jurisdictions) may in part be achieved by educating individuals who may then help to bring about change from entry level because they

“represent another voice in the ‘contested domain’ about the nature of the legal profession” (p.194).

Mossman's suggestion is that intervention at an early stage in legal careers is essential; any attempt which is made at a later stage, for example through educational programmes which are run within law firms, is less likely to be successful because they are likely to challenge the prevailing culture within a firm and therefore to be difficult for firms and individuals to accept and act upon. It is essential, then, for intervention to take place at an early stage in the formation of

legal professional identities, when individuals are likely to be considering and reflecting upon what will be the nature of the *inner/personal* aspect of those identities.

The above analysis makes some sense in relation to education on issues of gender inequality. However, intersections with class background make the overall position more complicated because women from less privileged class backgrounds may be less likely to have access to the sort of legal education which addresses these issues. I explain this difficulty further below.

Students from more privileged backgrounds are more likely to study the sort of undergraduate law degree which will have space in it for reflection on these issues. It is also they who, as discussed in this thesis, are more likely to gain easy entry to the profession and particularly to the elite firms which dominate the profession. It is therefore of crucial importance that these students are encouraged to engage with issues to do with professional identity and the structuring inequalities which exist within the profession so that they, who may be expected to achieve relatively strong field positions, may use the agency which their accumulations of social and cultural capital have generated for them in order to bring about change in the profession not just in relation to the position of women but also the access barriers which still exist for aspiring entrants from less privileged class backgrounds, so that, as a result of changes to the collective identity of the profession, development of the right sort of *outward-facing* aspect of professional identity is easier for them. According to Mossman (2006) this may be possible if those within the profession can be motivated by “*justice*” goals (p.193) but we must also bear in mind the empirical evidence which suggests that “*patterns of social closure within the profession demonstrate remarkable tenacity*”

(Francis, 2011, p. 8) and that change will require a change to the “*general binary classed system of privilege and reproduction*” (C. Burke, 2016, p. 17) which Bourdieu would recognise as the reality of social practice.

Recommendations follow as to how steps towards this might be taken.

Awareness among aspiring entrants to the profession

It is first necessary to ensure that aspiring entrants to the profession are aware of the structuring inequalities which are likely to affect the progress of their legal career. This is a point made powerfully by McGlynn (1998) in relation to the disadvantaged position of *all* women within the profession, but must logically apply equally to the additional inequalities faced by women who are from less privileged class backgrounds. All must become informed, motivated and inspired (McGlynn, 1998, p. 3). Information is the first step, and the data in this study suggest that female students who aspire to enter the solicitors’ profession are not well-informed, even by the end of the LPC, about the realities of being a woman in the profession.

Significant disruption to the structures of the field of the legal profession will take time. Change is most likely to be brought about by those occupying strong field positions (Battilana, 2006), who may be more likely to be those who are further on in their legal career (Tomlinson et al., 2013). It will be necessary first to ensure that aspiring female solicitors are made aware, at as early a stage as is possible, of the inequalities they face and of how these may intersect in different ways depending on class background. This may enable them to make informed choices about their studies and future careers but may also go some way to developing ‘coping mechanisms’ at an early stage. This is not, of course a new suggestion generally

(see for example Mossman, 2006; Sommerlad, 2008) but I make it now with particular reference to the complexities of legal professional identity development which have been explored in this study and in the hope that it might be part of an impetus to

“initiate a particular kind of resilience into students, to inject them with some robustness before their hearts, minds and bodies are captured by the overwhelming intensity of the culture of the organisations they will join, but may one day need to question, or to leave” (Ching, 2015, p. 67) .

Over time it is hoped that this will lead to a gradual change in the nature of the capital which is valued in the profession (see, for example, the suggestion made by Webley and Duff (2007) that women are particularly disadvantaged by law firms’ prioritisation of profits over values) and the classed and gendered measure of merit which persist within it (Ashley et al., 2015; Ashley & Empson, 2016b; Sommerlad, 1998, 2012a, 2016).

The question then arises how this increased awareness is best achieved. As mentioned above, it is perhaps best done before individuals reach a stage in their legal career where they feel bound to an individual firm’s culture (Mossman, 2006) and where they see their professional identity as being more closely linked with their firm than with the wider profession. Her suggestion is that it should therefore happen during the process of formal legal education.

Given that raising awareness at an early stage of the structural inequalities within the profession is important, it is next necessary to consider what is the educational context in which this should happen. My next recommendation is that it is essential that they be addressed within a formal, compulsory curriculum.

Working the issues into the (or a) formal curriculum

The proposed changes to the qualification process for solicitors in England and Wales are likely to mean that there will no longer be a unifying, common process of VPT (currently represented by the LPC). The question of how awareness is to be raised is therefore a difficult one, as options may be limited. Ching (2015) suggests that this sort of exercise might be undertaken either at the undergraduate stage or the VPT stage but the findings in this study do perhaps suggest that, at least for some students who already have training contracts, the VPT stage is too late because by then the process of “*capture*” (p.67) she describes may already have taken place.

The data from this study (although it relates to the postgraduate LPC and not an undergraduate degree course) suggest that important messages relating to issues of professional identity are not effectively delivered when they are part of an informal curriculum. It is therefore necessary that they be addressed head-on within a formal, compulsory curriculum. This already happens in some law undergraduate courses. For example, the University of Westminster requires second-year law undergraduate (LLB) students to take a compulsory module called The Legal Profession and Legal Services which deals with, amongst other things, issues of equality and diversity within the legal profession. However, such provision is by no means common across the university sector.

Whilst messages might in theory be delivered in the course of an undergraduate law degree this would not be straightforward, not least because some undergraduate providers would probably be more enthusiastic about this mission than others. It is, moreover, difficult to make concrete recommendations for any

stage of legal education and training at a time when the future of the solicitors' qualification process is uncertain, as I explain below.

As a result of a proposal put by the SRA to the Legal Services Board in January 2018 ('the SRA's proposal') it is likely that from 2019/20 the LPC will cease to exist. There will no longer be any requirement for intending solicitors to have a law degree or GDL or even to undertake any sort of VPT course; they will be required only to pass the centralised, multiple-choice, Solicitors' Qualifying Examination (SQE). The City of London Law Society (CLLS) points out that this form of assessment is not practised in other jurisdictions (where multiple-choice questions are sometimes used but are combined with other written exams) and has no proven benefit (CLLS submission to the LSB dated February 2018).

The changes are proposed by the SRA because they say that:

"It is our role to make sure that both the public and employers can trust that newly qualified solicitors are fit to practise. It is also our role to encourage a diverse profession. How solicitors are currently trained means we cannot say with confidence that qualifying solicitors all meet consistent, high standards when they begin their career. In addition, the cost of training and access to training contracts makes it harder for candidates from disadvantaged backgrounds to qualify" (application to the LSB 12 January 2018, p.9).

The SRA's proposal appears therefore to be aimed at improving access to the profession (although it has been suggested by the CLLS in their representation to the LSB dated February 2018 that there is no evidence the changes will in fact have this effect) and at ensuring that upon qualification all solicitors have been

trained to the same standards of technical competence. It does not therefore address wider issues of professional identity. Candidates will be allowed, should they wish, to sit the SQE without having taken a course to prepare them for it. The proposal therefore has significant implications for the future of undergraduate legal education.

It is expected (Moorhead, 2016b) that preparation for the SQE will broadly take 2 alternative forms: some providers will offer courses aimed specifically at preparation for the SQE but these will be short courses, which are likely to be marketed with emphasis on low costs. At the same time, some undergraduate providers will seek to incorporate preparation for the SQE into their undergraduate courses. It is thought that this will make it difficult within an undergraduate course to offer options which are not directly related to the SQE, such as ‘social justice’ modules and interdisciplinary modules focussing on socio-legal areas (see University of Leeds Briefing Note, 2016). These undergraduate degree courses will then inevitably be vocationally oriented (Gibbons, 2017). Other universities (likely to be those higher in the rankings, and including the Russell Group universities) are likely to be resistant to the idea of teaching to the SQE and to decide not to alter the content of their law undergraduate courses (Moorhead, 2016b). Broadly speaking, then, there will be some undergraduate providers who prepare students for the SQE, and some who do not.

Against this backdrop, issues of class and socio-economic background will come to the fore. Candidates from less privileged backgrounds who have a less well-developed legal habitus and less accumulated cultural and social capital (less of a *“feel for the game”* (Bourdieu, 1990b, p. 66)) are more likely to choose the cheaper, quicker option of an undergraduate degree which incorporates what is

assessed in the SQE. According to the four Law Subject Associations (who submitted their views on the SRA's proposal to the LSB in January 2018), law firms are likely to continue to recruit:

“students of substantial and moderate means....[who] attend high-ranking universities if they can, and [do not] rely primarily on ‘cram’ courses that would produce SQE1-ready students” (2018, p.1).

In this way, the four Law Subject Associations suggest that a two-tier model of VPT will emerge. Because of this it is difficult to see how the SQE will succeed in the first of its aims; that of improving access to the profession. Rather, the proposed model is likely instead to contribute to the perpetuation of social inequality and to ensure that students from less privileged backgrounds still have difficulty in constructing the right sort of *outward-facing* aspect of professional identity. There may not be room in their SQE-heavy undergraduate curriculum for modules which address what may be seen as numinous issues of legal professional identity. Moreover, issues such as this may not even be seen as attractive to students who need simply to find the least expensive way of getting ready to sit the multiple-choice SQE.

There is, then, an opportunity coming for providers who are rethinking their undergraduate and GDL provision in light of the SQE to take this opportunity to put issues of professional identity and the sociology of the legal profession at the forefront of the compulsory formal curriculum. In doing so, Mossman (2006) suggests that they will be playing the part of the earthworm in Franklin's theory of social change (1999):

“Social change will not come to us like an avalanche down the mountain. Social change will come through seeds growing in well prepared soil – and it is we, like the earthworms, who prepare the soil. We also seed thoughts and knowledge and concern. We realize there are no guarantees as to what will come up. Yet we do know that without the seeds and the prepared soil nothing will grow at all” (p.121).

Whether undergraduate providers choose to prepare their students for the SQE or not, this opportunity creates tensions. For those who promote their courses as “SQE-ready” (Moorhead, 2016b) it may be difficult to ‘sell’ anything which does not relate directly to issues of employability. This allows for some coverage of development of *outward-facing* aspects of professional identity but makes it difficult to justify coverage of some wider issues and of the formation of the *inner/personal* aspect of identity. For those, on the other hand, who maintain that their law undergraduate degree is nothing to do with the SQE there is likely to be a continued emphasis on the liberal, academic law degree which may be difficult to square with any initiative the stated aim of which is to prepare students for legal practice. Nonetheless it is acknowledged that even in the context of such a degree, providers may have an obligation *“to do more to forewarn students of what legal practice actually can entail”* (Bradney, 2011, p. 14).

It is also important to remember that under the SRA proposals it will be possible to sit the SQE without having done either a law degree or the GDL. A number of those qualifying into the profession (we cannot yet tell how many) will therefore have no access to this sort of legal education. Nonetheless, this remains the path most commonly taken. If there is no longer to be an LPC or equivalent ‘common stage’ of training (I have explained the significance in **Chapter 1** of there being

such a stage in terms of professional identity formation) then in order to reach as many students as possible steps must be taken to address these issues within the formal law undergraduate or GDL curriculum. As already mentioned, however, the type of undergraduate provision most likely to be accessed by students from less privileged backgrounds is the type which is perhaps least likely to have space in its curriculum to address issues of professional identity and so the inequality of class background remains difficult to address. Nonetheless, my final recommendation makes a suggestion in relation to what should be the characteristics of a formal curriculum within which these issues are addressed.

Situated learning, role-modelling and professionalism – lessons from medicine

If, then, there are reasons for addressing these issues within a formal undergraduate curriculum, how is this to be done? A detailed answer to this question is beyond the scope of this thesis but, drawing on the data obtained in this study, a few practical suggestions may be made.

Data in the study suggest that because of the stated aims of, and students' expectations of, the LPC there is limited scope for effective role modelling by tutors and for the teaching of ideas of values and professionalism. Opportunities to encourage reflection on the *inner/personal* aspect of professional identity are therefore very limited although they may occur haphazardly through student exposure to the informal and the 'hidden' curriculum of the LPC.

Drawing on literature which deals with the teaching of professionalism in the context of medical training (see for example Cruess & Cruess, 2012; O'Sullivan, Van Mook, Fewtrell, & Wass, 2012; Passi et al., 2013) it would appear that in order for such teaching to be effective it must be explicit and must also be situated (Lave

& Wenger, 1991). Thought must be given to how this might best be done in the context of legal education. However, as observed by Ching (2015), there is within the solicitors' profession in England and Wales "*a deep-seated cultural attachment to the workplace as a site for learning*" (p.1) which I suggest might usefully be harnessed to this end.

Recommendations for future research

My suggestions for further research come from an appreciation of the inevitable constraints of this study. As discussed in **Chapter 2**, I was in some ways an insider during the research process and I understand that a researcher who had no links with the legal profession and was not female might have obtained different data or might have interpreted the data in a different way. A similar study carried out by a researcher who was not an insider researcher might, therefore, yield findings which were complementary to those of this study. In **Chapter 2** I also explained my decision only to interview women and acknowledge that my findings might be built upon by undertaking a comparative study of the experiences of both men and women. I would of course, in one sense be less of an insider if men were to be interviewed.

In spite of the benefits of data obtained from a study with a longitudinal element such as this, it must be acknowledged that participants' experiences of the LPC last for only a few months and that the findings therefore leave us wondering 'but what happened next?'. I have inevitably made certain predictions when analysing the data (I have mentioned issues such as the possibility of future identity dissonance, and the likelihood that those without training contracts would need to do periods of paralegal or quasi-legal work in order finally to secure a training

contract) and there is scope for future research (in which the participants in this study might be asked to participate) into, for example, the evolution of the professional identities of those who were found in this study to have developed rather more firm-related professional identities, and the continued struggle of those without training contracts to develop the right sort of *outward-facing* professional identity.

Finally, I acknowledge the limitations which are inherent in a study across only four institutions and which involves only a small number of participants. Whilst it has yielded valuable insights and rich qualitative data, its purpose has not been to obtain findings which are generalisable to other settings and there is scope for a larger-scale study with different methodological underpinnings which might be used to build on the findings from this study and to do further work to investigate the significance of legal vocational training and the intersections of class and gender in the formation of female students' professional identities across a wider range of institutions.

7.4 Reflection on conducting the study

Since embarking on this study I have often felt frustrated that I was not able to make progress as quickly as I had imagined I would. At the outset I imagined myself keeping throughout to a carefully-planned timetable which would enable me to progress in a neat, linear way towards completion of my thesis. The reality was that this did not happen and I had not realised

“what is actually at stake in the often messy, unanticipated experience of conducting research and writing [a dissertation]” (Kamler & Thomson, 2008, p. 510).

There were two main reasons for this: first, the lived experience of conducting a research project and writing it up taught me that the process is not linear and often involved re-visiting thoughts, ideas or steps in the process which I had thought were 'done and dusted'. Second, there were periods when, for a variety of reasons, I did not have time to give to my research work and it had to be put to one side for a while. In particular this happened when, twice during my project, I changed jobs and each time was busy settling into my new post. I have come to realise, however, that my job changes and the delays caused by them have been crucial to my development as a researcher.

When I began my research I was teaching exclusively on an LPC course and did not have experience of teaching law at undergraduate level. Since then my two job changes have meant that I now have substantial experience of teaching at undergraduate level at two different institutions. I now do very little LPC teaching. I feel that this shift has been significant because it has meant that during the course of my study I have become in some respects *less* of an insider (the position of insider researchers is discussed in **Chapter 2**); moving away from the LPC has allowed me to step back from the course and to more easily spot the 'taken for grantedness' of some of the messages delivered by the LPC (for example by firm-specific teaching), which have been explored in **Chapters 5** and **6**. I have also been better able to understand the position of new graduate students coming to it for the first time, and the nature of the undergraduate experience they may have had. I do, of course, still acknowledge a degree of 'insiderness' (see discussion in **Chapter 2**) because of the experience I have of teaching on the course, my gender, and other characteristics. The change I have experienced, and the time it has taken, therefore, have been essential to the development of my identity as a

researcher and have both had a positive effect on the development of my *“existing and emerging expertise”* (Kamler & Thomson, 2008, p. 512). My identity as a researcher has therefore developed (Graham-Matheson, 2012) from that of an LPC lecturer who is researching the LPC to a legal academic whose research interest is the development of female law students’ professional identities.

7.5 Final word

This study has shown that female students’ experiences of VPT are mediated through a range of factors including gender and class background. It is important to remember that *“just as there is a diversity of women, there is a diversity of women in the law”* (McGlynn, 1998, p. 4), and that therefore the structural inequalities of the solicitors’ profession are experienced by different women in different ways. I hope, though, that by shedding light on the way in which these inequalities may operate at the VPT stage I have added my voice to the call to make aspiring female solicitors aware of these issues so that we may

“equip women for the challenges which could face them.....[and] empower women to take action demanding a change to [academic and] workplace cultures and traditions” (McGlynn, 1998, p. 3).

Appendix 1 - interview schedule for initial study

Stage of interview	Interview themes/ questions	Discussed/ notes
Introduction	<p>Study background and aims – make clear to student that this interview is intended to deal with issues of professional identity only</p> <p>Remind participant about freedom to withdraw at any time, check permission to record and that have signed consent form</p> <p>Ask student during interview not to refer to academic staff by name or in a way which would allow them to be identified</p> <p>Background of participant, including academic background</p>	

<p>Body of interview</p>	<p>How did you find the LPC?</p> <p>What does it mean to you to be a solicitor?</p> <p>Do you think all solicitors are the same?</p> <p>Do you think female solicitors are different from male solicitors?</p> <p>Why do you want to be a solicitor?</p> <p>What sort of solicitor will you be?</p> <p>What sort of person becomes a solicitor?</p> <p>What do you want to achieve? What might help/stop you?</p> <p>Do you feel you fit in here?</p> <p>How do you think you will fit into a law firm?</p> <p>How do you think it might be different being a female</p>	
---------------------------------	--	--

	<p>solicitor from being a male solicitor?</p> <p>What did you expect the LPC to be like? Was it? If not, how was it different?</p> <p>Do you think you have a professional identity?</p> <p>If so, how does it differ from your personal identity?</p> <p>What has helped to shape it?</p> <p>Discuss effect of:</p> <p>Colleagues</p> <p>Staff</p> <p>Culture of institution</p> <p>Curriculum (skills/ other)</p> <p>Training contract search</p> <p>Guest speakers</p> <p>Work experience</p>	
--	--	--

	<p>Other</p> <p>Did you expect that the LPC would change you as a person? Did it? How?</p>	
Conclusion	<p>Anything else the participant wants to say?</p> <p>Explain what will now happen to the data</p> <p>Arrangements for follow up interview/ approval of the transcript</p> <p>Thank participant for their help</p>	

Appendix 2 - interview schedule for full study interview 1

Stage of interview	Interview themes/ questions	Discussed/ notes
Introduction	<p>Explain study background and aims</p> <p>Explain participant's freedom to withdraw at any time etc</p> <p>Explain that a pseudonym will be used throughout the interview</p> <p>Ask for information about background of participant including age, academic background, ethnicity, any family or other connections with the legal profession, any previous legal work experience, whether student has a training contract or if not has made applications/ had interviews and whether student is being funded through the LPC</p>	
Body of interview	<p>Why do you want to be a solicitor?</p> <p>What does being a solicitor mean?</p> <p>What sort of solicitor do you want to be?</p> <p>What sort of solicitor do you think you will be?</p> <p>What do you think of the statement that all</p>	

	<p>solicitors are the same? Can you explain your view?</p> <p>What do you think of the statement that female solicitors are different from male solicitors? Can you explain your view?</p> <p>What sort of person do you think becomes a solicitor?</p> <p>What do you want to achieve in your career? What might help/ stop you?</p> <p>What is it that you think a law firm values in a prospective trainee?</p> <p>How do you think you will fit into a law firm? What is it about you that a law firm might value? If there is anything you lack, what is it, and can you do anything about it?</p> <p>How do you think it might be different being a female solicitor from being a male solicitor? Can you explain your view?</p> <p>What do you think the LPC will be like? In what way, if any, might it affect the sort of solicitor you will be?</p> <p>What do you think the LPC will do to help you develop the attributes a law firm values? How do you think it will do this?</p>	
--	--	--

	<p>What might be the limitations of what the LPC can do?</p> <p>In what way, if any, might the LPC change you as a person?</p> <p>Can you explain your view?</p>	
Conclusion	<p>Anything else the participant wants to say?</p> <p>Explain what will now happen to the data</p> <p>Arrangements for follow up interview/ approval of the transcript</p> <p>Thank participant for their help</p>	

Appendix 3 - interview schedule for full study interview 2

Stage of interview	Interview themes/ questions	Discussed/ notes
Introduction	<p>Check participant's continued informed consent – look at consent form from Interview 1 with them. Ask them to fill in a form for Interview 2</p> <p>Remind participant of freedom to withdraw at any time, etc</p> <p>Remind participant that a pseudonym will be used</p> <p>Remind participant of study background and aims</p> <p>Check whether, since first interview, student has secured a training contract/ had interviews/</p>	

	<p>done work experience/ applied for training contracts; if so, get details.</p>	
Body of interview	<p>Let's recap on what we discussed in your first interview (invite participant to look back at the transcript). Would you answer any of the questions differently now? In what way would your answer be different?</p> <p>What sort of lawyer do you think you are now?</p> <p>How does this fit with what you expected?</p> <p>Why and how do you think this has happened?</p>	

	<p>In particular I'd like to know:</p> <p>What do you think has been the effect on the sort of lawyer you are now of the following aspects of the LPC:</p> <p>Your colleagues</p> <p>The LPC teaching staff</p> <p>The culture of the LPC at [institution]</p> <p>The LPC curriculum (skills, compulsory subjects and electives)</p> <p>Your search for a training contract (if relevant)</p> <p>The range and nature of talks given by guest speakers</p>	
--	--	--

	<p>Any work experience you've done during the LPC</p> <p>Anything else; and</p> <p>Can you explain why?</p> <p>What effect have any of the above had in helping you to develop the attributes that are valued by a law firm?</p> <p>Are there any attributes you are still lacking? Why is this, and can you do anything about it?</p> <p>We have talked about the type of solicitor you think you now are. How does this fit in with the type of person you are? How do you feel about that fit?</p>	
--	---	--

Conclusion	<p>Anything else the participant wants to say?</p> <p>Explain what will now happen to the data</p> <p>Arrangements for approval of the transcript</p> <p>Thank participant for their help</p>	
-------------------	---	--

Appendix 4 – documents used for initial study

[INFORMATION IDENTIFYING INSTITUTION A HAS BEEN REMOVED]

20 May 2013

Dear student

The role of the LPC in the formation of female solicitors' professional identities

I am a lecturer on the LPC in the School of Law at [institution A] and am writing to ask whether you would be willing to participate in a research project about the LPC and female lawyers' professional identities which I am conducting for my PhD at Keele University. I am attaching an information sheet which tells you all about the project.

I should be grateful if you would read the attached information sheet, and then if you are willing to participate, email me at [institution A email address]. I will then get in touch with you to arrange an interview. At the interview I will ask you to sign a consent form, as explained in the attached **information sheet**.

If you have any queries about the research which you would like to resolve before deciding whether or not to participate, please don't hesitate to get in touch with me by email (institution A email address) or on telephone number 07837 655812.

Yours sincerely

Lucy Floyd

[Project information sheet for initial study with identification of institution A removed]

Study Title: The role of the LPC in the formation of female solicitors' professional identities

Aims of the Research: This study, which I am undertaking as part of my PhD at Keele University, is an initial study to help me develop and refine the scope of my full PhD research project which seeks to establish the role played by the LPC in the formation of female solicitors' professional identities. The full study will involve interviewing female LPC students from several other LPC provider institutions, once at the beginning and again at the end of their LPC.

Invitation: You are being invited to consider taking part in this research study, which is being undertaken by me, Lucy Floyd, a PhD student at Keele University. I am also a lecturer on the LPC in the School of Law at [institution A]. Before you decide whether or not you wish to take part, it is important for you to understand why this research is being done and what it will involve. Please take time to read this information carefully and discuss it with someone else if you wish. Ask me if there is anything that is unclear or if you would like more information.

Why have I been chosen?

I am contacting all female LPC students at [institution A], with the exception of those currently being taught by me.

Do I have to take part?

You are free to decide whether you wish to take part or not. If you do decide to take part you will be asked to sign two consent forms; one is for you to keep and the other is for the researcher's records. You are free to withdraw from this study at any time and without giving reasons. Your decision whether or not to take part in this research will not affect your LPC marks/ grades in any way.

What will happen if I take part?

If you are happy to take part, please email me at [institution A email address]. I will then contact you by telephone and/or email to arrange a mutually convenient time when you could do a short (about 45 minutes to 1 hour) face-to-face interview about your perceptions of your professional identity as you finish the LPC. The interview will, if you agree, be recorded for transcription purposes, but the data will remain anonymous and you will not be identified when the research is written up.

How will information about me be used? The interviews will be transcribed and analysed. I will send you a transcript of your interview so that you can check its accuracy. The data will then be used in my PhD research project and may appear in my PhD thesis and possibly some academic articles, which will be published in academic legal journals, and conference papers. When quotations from interviews are used, participants will only be described in general terms on the basis of , for example, age, ethnicity and educational background.

If you wish I can, following the interview, keep you informed of the progress of my research and send you a summary of my research findings. If you want me to send a summary of my findings you should email me at [institution A email address] after the end of July 2013.

Will what I say in this study be kept confidential? All information collected about you will be kept strictly confidential (subject to legal limitations). It must be stated that because the sample size will be relatively small (8-10) this may have implications for privacy /anonymity.

Data generated by the study must be retained in accordance with the University's policy on Academic Integrity and must be kept securely in paper or electronic form for a period of ten years after the completion of the research project.

Access to data stored on a computer (such as the transcript of your interview) will be controlled by passwords and access to individual files will also be password-protected. Passwords will be known only to me and changed at regular intervals.

Manual data such as interview notes will be stored in a locked facility when not under my direct supervision.

Who will have access to information about me? Only I and my PhD supervisor, Professor Fiona Cownie at Keele University, will have access to the data gained from the interviews.

- Data will be stored securely on a password protected computer
- The data will be retained by me but if it is used for another research project, further ethical approval will be sought.
- After the project is completed, the data will be securely kept in a repository.

Who is funding and organising the research?

The research is funded by me as part of my PhD studies, with a contribution from [institution A]. I am solely responsible for organising and carrying out the research.

The research has been approved by ethics approval committees at both Keele and [institution A].

What if there is a problem? If you have a concern about any aspect of this study, you may wish to speak to me and I will do my best to answer your questions. You should contact me on [institution A email address]. Permission to carry out this pilot research has been granted by the University Research Ethics Committee at [institution A]. However, if you have a concern and want to speak to someone other than me then you should contact my PhD supervisor Prof Fiona Cownie on 01782 734130 or f.cownie@keele.ac.uk. Alternatively you can contact Nicola Leighton, Research Governance Officer at Keele University on 01782 733306 or n.leighton@uso.keele.ac.uk

If you remain unhappy about the research and/or wish to raise a complaint about any aspect of the way that you have been approached or treated during the course of the study please write to Nicola Leighton who is Keele University's contact for complaints regarding research at the following address:-

Nicola Leighton
Research Governance Officer
Research & Enterprise Services
Dorothy Hodgkin Building
Keele University
ST5 5BG
E-mail: n.leighton@uso.keele.ac.uk
Tel: 01782 733306

Contact for further information:

Lucy Floyd – [institution A email address]

Prof Fiona Cownie – f.cownie@keele.ac.uk

CONSENT FORM

Title of Research Project: *The Role of the LPC in the formation of female solicitors' professional identities*

Name of Principal Investigator: Lucy Floyd [institution A email address]

Please tick boxes

- 1 I confirm that I have read and understand the information sheet for the above study and have had the opportunity to ask questions. ☐
- 2 I understand that my participation is voluntary, that I am free to withdraw at any time and that my decision whether or not to participate will have no effect on the marks or grades I am awarded on the LPC. ☐
- 3 I agree to take part in this study. ☐
- 4
 - I understand that data collected about me during this study will be anonymised before it is submitted for publication. ☐
 - I understand that because the sample size will be relatively small (8-10) this may have implications for privacy/ anonymity. ☐
- 5 I understand that interviews in which I take part will be audio recorded and am happy for this to happen. ☐
- 6
 - I agree that data collected about me during this study may be used in future research projects. ☐
 - I agree to be contacted about possible participation in future research projects. ☐
- 7 I agree that anonymised quotes may be used. ☐

Name of participant

Name of researcher

Date

Date

Signature

Signature

Appendix 5 – documents used for full study

Dear student

The role of the LPC in the formation of female solicitors' professional identities

I am a law lecturer at a UK university and am writing to ask whether you would be willing to participate in a research project about the LPC and female lawyers' professional identities which I am conducting for my PhD at Keele University. I am attaching an information sheet which tells you all about the project. In brief, I am hoping to conduct interviews with female LPC students at several different LPC provider institutions, once at the beginning and once at the end of their LPC.

I should be grateful if you would read the attached information sheet, and then if you are willing to participate, email me at l.k.floyd@keele.ac.uk. I will then get in touch with you to arrange an interview. At the interview I will ask you to sign a consent form, as explained in the attached **information sheet**.

If you have any queries about the research which you would like to resolve before deciding whether or not to participate, please don't hesitate to get in touch with me by email (l.k.floyd@keele.ac.uk) or on telephone number 07837 655812.

Yours sincerely

Lucy Floyd

Study Title: The role of the LPC in the formation of female solicitors' professional identities

Aims of the Research: This study seeks to establish the role played by the LPC in the formation of female solicitors' professional identities, which is something that interests me because I have been a lecturer on an LPC. It aims to do so by interviewing female LPC students from several different institutions, once at the beginning and again at the end of their LPC.

Invitation: You are being invited to consider taking part in this research study, which is being undertaken by me, Lucy Floyd, a PhD student at Keele University. Before you decide whether or not you wish to take part, it is important for you to understand why this research is being done and what it will involve. Please take time to read this information carefully and discuss it with someone else if you wish. Ask me if there is anything that is unclear or if you would like more information.

Why have I been chosen?

Your LPC provider has emailed you on my behalf as I hope that you will be willing to take part in the study. I am contacting all female LPC students at your institution.

Do I have to take part?

You are free to decide whether you wish to take part or not. If you do decide to take part you will be asked to sign two consent forms; one is for you to keep and the other is for the researcher's records. You are free to withdraw from this study at any time and without giving reasons. Your decision whether or not to take part in this research will not affect your LPC marks/ grades in any way.

What will happen if I take part?

If you are happy to take part, please email me at l.k.floyd@keele.ac.uk and I will contact you by telephone and/or email to arrange a mutually convenient time when you could do a short (about 45 minutes to 1 hour) face-to-face interview about your perceptions of your professional identity as you begin the LPC. The interview will, if you agree, be recorded for transcription purposes, but the data will remain anonymous and neither you nor your LPC institution will be identified when the research is written up.

At around the time you are coming to the end of your LPC I will contact you again with a view to arranging a second interview, of roughly the same length, about your perceptions of how your professional identity has changed since you began the LPC.

What if there is a problem?

If you have a concern about any aspect of this study, you may wish to speak to me and I will do my best to answer your questions. You should contact me on l.k.floyd@keele.ac.uk. Alternatively, if you do not wish to contact the researcher you may contact my PhD supervisor, Prof Fiona Cownie, on 01782 734130 or f.cownie@keele.ac.uk or Nicola Leighton, Research Governance Officer on 01782 733306 or n.leighton@uso.keele.ac.uk

If you remain unhappy about the research and/or wish to raise a complaint about any aspect of the way that you have been approached or treated during the course of the

study please write to Nicola Leighton who is the University's contact for complaints regarding research at the following address:-

Nicola Leighton
Research Governance Officer
Research & Enterprise Services
Dorothy Hodgkin Building
Keele University
ST5 5BG
E-mail: n.leighton@uso.keele.ac.uk
Tel: 01782 733306

How will information about me be used?

The interviews will be transcribed and analysed. I will send you a transcript of your interview so that you can check its accuracy. The data will then be used as the basis for my PhD thesis and possibly for some academic articles, which will be published in academic legal journals, and conference papers. When quotations from interviews are used, participants will only be described in general terms on the basis of, for example, age and educational background. Your name will not appear in your interview transcript and you will be identified using a pseudonym from the outset. If you wish I can, following the interview, keep you informed of the progress of my research and send you a summary of my research findings. You can contact me by email to ask for this or to discuss the research and your participation in it.

Will what I say in this study be kept confidential? All information collected about you will be kept strictly confidential. Data generated by the study must be kept securely in paper or electronic form for a period of ten years after the completion of the research project.

Access to data stored on a computer (such as the transcript of your interview) will be controlled by passwords and access to individual files will also be password-protected. Passwords will be known only to me and changed at regular intervals. Manual data such as interview notes will be stored in a locked facility when not under my direct supervision.

Who will have access to information about me? Only I and my PhD supervisor, Professor Fiona Cownie, will have access to the data gained from the interviews.

- Data will be stored securely on a password protected computer
- The data will be retained by me but if it is used for another research project, further ethical approval will be sought.
- After the project is completed, the data will be securely kept in a repository.

Who is funding and organising the research?

The research is funded by me as part of my PhD studies, with a contribution from my employer. I am solely responsible for organising and carrying out the research.

Contact for further information:

Lucy Floyd – l.k.floyd@keele.ac.uk

Prof Fiona Cownie – f.cownie@keele.ac.uk

Participant information sheet for full study – version 2 – 1 May 2013

CONSENT FORM

Title of Research Project: *The Role of the LPC in the formation of female solicitors' professional identities*

Name of Principal Investigator: Lucy Floyd (l.k.floyd@keele.ac.uk)

Please tick boxes

- 1 I confirm that I have read and understand the information sheet for the above study and have had the opportunity to ask questions. ☐
- 2 I understand that my participation is voluntary, that I am free to withdraw at any time and that my decision whether or not to participate will have no effect on the marks or grades I am awarded on the LPC. ☐
- 3 I agree to take part in this study. ☐
- 4 I understand that data collected about me during this study will be anonymised before it is submitted for publication ☐
- 5 I understand that interviews in which I take part will be audio recorded and am happy for this to happen. ☐
- 6 I agree that data collected about me during this study may be used in future research projects. ☐
- I agree to be contacted about possible participation in future research projects. ☐
- 7 I agree that anonymised quotes may be used. ☐

Name of participant

Name of researcher

Date

Date

Signature

Signature

Appendix 6 – letters of ethical approval

[REDACTED]

Ms Lucy Floyd
Senior Lecturer
Department of Law
Faculty of Humanities and Social Sciences
[REDACTED]
[REDACTED]

[REDACTED LETTER OF APPROVAL FROM
INSTITUTION A FOR INITIAL STUDY]

7 March 2013

Dear Ms Floyd

UREC Registration No: 130700

The role of the Legal Practice Course in the formation of female solicitors' professional identities

Thank you for your recent emails outlining your response to the points raised in my previous letter for your study and attaching the revised documents. I am pleased to inform you that, on this basis, I have given Chair's Approval for the study to begin.

The UREC approval period for this study is two years from the date of this letter, so 7 March 2015. If you need the approval to be extended please do contact me nearer the time of expiry.

In order to monitor studies approved by the University Research Ethics Committee, we will ask you to provide a (very brief) report on the conduct and conclusions of the study in a year's time. If the study is completed in less than a year, could you please contact me and I will send you the appropriate guidelines for the report.

Yours sincerely

[REDACTED]
Chair of the University Research Ethics Committee

cc Professor Fiona Cownie, Supervisor - Keele University
[REDACTED]
[REDACTED]

UNIVERSITY RESEARCH ETHICS
COMMITTEE, FACULTY OF HEALTH AND
LIFE SCIENCES
[REDACTED]
[REDACTED]



RESEARCH AND ENTERPRISE SERVICES

[KEELE APPROVAL LETTER REDACTED TO AVOID IDENTIFICATION OF INSTITUTION A]

15th May 2013
Lucy Floyd
8 Vanbrugh Close
Woodstock
Oxfordshire
OX20 1YB

Dear Lucy

Re: 'The effect of the Legal Practice Course on the formation of female solicitors' professional identities'

Thank you for clarifying that you are seeking Keele ethical approval for both the pilot and the main study and the time period of both stages. As stated in our original letter normally as a Keele PhD student you would apply for Keele ethical approval first.

Please furnish the ERP with 'permission letters' once you have them from your other two (three) institutions, this is for completion of our records.

I am pleased to inform you that your project has been approved by the Ethics Review Panel.

The following documents have been reviewed and approved by the panel as follows:

Document(s)	Version Number	Date
Summary Proposal	1	08/05/2013
Letter of Invitation(s)	1 (2 versions; one for initial study and one for full study)	08/05/2013
Information Sheet(s)	2 (2 versions; one for initial study and one for full study)	08/05/2013
Consent Form(s)	1	08/05/2013
Interview Topic Guide(s)	1 (3 versions; one for initial study and 2 for full study)	08/05/2013
Letter from [REDACTED] research ethics committee confirming approval of initial study	1	08/05/2013

If the fieldwork goes beyond the date stated in your application (June 2014), you must notify the Ethical Review Panel via Elizabeth Cameron



RESEARCH AND ENTERPRISE SERVICES

If there are any other amendments to your study you must submit an 'application to amend study' form to Elizabeth Cameron. This form is available through the following link,
<http://www.keele.ac.uk/researchsupport/researchethics/>

If you have any queries, please do not hesitate to contact Elizabeth Cameron in writing to
uso.erps@uso.keele.ac.uk

Yours sincerely

Elizabeth Cameron
ERP1 Administrator

Dr Jackie Waterfield
Chair – Ethical Review Panel
CC Supervisor: Prof Fiona Cownie

References

- Abel, R. (1988). *The Legal Profession in England and Wales*. Oxford: Blackwell.
- Abel, R. (2015). An Agenda for Research on the Legal Profession and Legal Education: One American's Perspective. In S. Sommerlad, S. Harris-Short, S. Vaughan, & R. Young (Eds.), *The Futures of Legal Education and the Legal Profession*. Oxford and Portland, Oregon: Hart Publishing.
- Agar, M. (1986). *Speaking of Ethnography* (Vol. 2). London: Sage.
- Alvesson, M. (2002). *Understanding Organisational Culture*. London: Sage Publications Ltd.
- Alvesson, M., & Billing, Y. (2009). *Understanding Gender and Organizations*. London: Sage Publications Ltd.
- Alvesson, M., & Skoldberg, K. (2000). *Reflexive Methodology*. London: Sage Publications Ltd.
- Alvesson, M., & Skoldberg, K. (2018). *Reflexive Methodology: New Vistas for Qualitative Research*. London: Sage Publications Ltd.
- Archer, L. (2003). Social class and higher education. In L. Archer, M. Hutchings, & A. Ross (Eds.), *Higher Education and Social Class: Issues of exclusion and inclusion*. London: Routledge Falmer.
- Archer, M. (2003). *Structure, Agency and the Internal Conversation*. Cambridge: Cambridge University Press.
- Arksey, H., & Knight, P. (1999). *Interviewing for Social Scientists*. London, Thousand Oaks, New Delhi: Sage.
- Arthur, A., Kristjansson, K., Thomas, H., Holdsworth, M., Badini Confalonieri, L., & Qui, T. (2014). *Virtuous Character for the Practice of Law*. Retrieved from <https://www.jubileecentre.ac.uk/1553/projects/gratitude-britain/virtuous-character-law>
- Ashley, L., Duberley, J., Sommerlad, H., & Scholarios, D. (2015). *A qualitative evaluation of non-educational barriers to the elite professions*. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/434791/A_qualitative_evaluation_of_non-educational_barriers_to_the_elite_professions.pdf
- Ashley, L., & Empson, L. (2016a). Convenient fictions and inconvenient truths: Dilemmas of Diversity at three leading accountancy firms. *Critical Perspectives on accounting*, 35, 76-87.
- Ashley, L., & Empson, L. (2016b). Understanding Social Exclusion in Elite Professional Service Firms: Field Level Dynamics and the 'Professional Project'. *Work, Employment & Society*, 1-19. doi:<http://dx.doi.org/10.1177/0950017015621480>
- Aulakh, S., Charlwood, A., Muzio, D., Tomlinson, J., & Valizade, D. (2017). *Mapping advantages and disadvantages: Diversity in the legal profession in England and Wales: Final Report for the SRA*. Retrieved from <https://www.sra.org.uk/sra/how-we-work/reports/diversity-legal-profession.page>
- Babbie, E. (2002). *The Basics of Social Research*. Belmont, California: Wadsworth/Thomson Learning.

- Baker, S., & Edwards, R. (2012). *How many qualitative interviews is enough? Expert voices and early career reflections on sampling and cases in qualitative research*. Retrieved from <http://eprints.ncrm.ac.uk/2273/>
- Battilana, J. (2006). Agency and Institutions: The Enabling Role of Individuals' Social Position. *Organization*, 13(5), 653-676.
- Bauman, Z. (2000). *Liquid Modernity*. Cambridge: Polity Press.
- Bauman, Z. (2007). *Liquid Times: Living in an Age of Uncertainty*. Cambridge: Polity.
- Becker, G. (1993). *Human Capital Theory: A Theoretical and Empirical Analysis, with Special Reference to Education*. Chicago: University of Chicago Press.
- Berger, R. (2015). Now I see it, now I don't: researcher's position and reflexivity in qualitative research. *Qualitative Research*, 15(2), 219-234.
- Birch, M., & Miller, T. (2000). Inviting Intimacy: the interview as therapeutic opportunity. *International Journal of Social Research Methodology*, 3(3), 189-202.
- Black, J. (2012). *Regulation, Education and Training*. Paper presented at the LETR Symposium May 2012.
- Bloch, A. (2004). Doing social surveys. In C. Seale (Ed.), *Researching Society and Culture*. London: Sage.
- Boigeol, A. (2003). Male Strategies in the Face of the Feminisation of a Profession: the Case of the French Judiciary. In U. Schultz & G. Shaw (Eds.), *Women in the World's Legal Professions*. Oxford and Portland Oregon: Hart Publishing.
- Bolton, S., & Muzio, D. (2007). Can't Live with 'Em; Can't Live without 'Em: Gendered Segmentation in the Legal Profession. *Sociology*, 41(1), 47-64.
- Bolton, S., & Muzio, D. (2008). The paradoxical processes of feminization in the professions; the case of established, aspiring and semi-professions. *Work, Employment & Society*, 22(2), 281-299.
- Boon, A. (2010). Professionalism under the Legal Services Act 2007. *International Journal of the Legal Profession*, 17(3), 195-231.
- Boon, A. (2014). *The Ethics and Conduct of Lawyers in England and Wales* (3rd ed.). Oxford and Portland, Oregon: Hart Publishing.
- Boon, A., & Abbey, R. (1997). Moral Agendas? Pro Bono Publico in Large Law Firms in the United Kingdom. *Modern Law Review*, 60(5), 630-654.
- Boon, A., Duff, L., & Shiner, M. (2001). Career Paths and Choices in a Highly Differentiated Profession: The Position of Newly Qualified Solicitors. *Modern Law Review*, 64(4), 563-594.
- Boon, A., & Whyte, A. (1999). "Charity and Beating Begins at Home": The Aetiology of the New Culture of Pro Bono Publico. *Legal Ethics*, 2(2), 169-191.
- Boon, A., & Whyte, A. (2002). Legal education as vocational preparation?: Perspectives of newly qualified solicitors. *UK Centre for Legal Education*.
- Boring, A., Ottoboni, K., & Stark, B. (2016). Student evaluations of teaching (mostly) do not measure teaching effectiveness. *ScienceOpen Research*.
- Boschma, G., Yonge, O., & Mychajlunow, L. (2003). Consent in Oral History Interviews: Unique Challenges. *Qualitative Health Research*, 13(1), 129-135.
- Bourdieu, P. (1977). *Outline of a Theory of Practice* (R. Nice, Trans.). Cambridge: Cambridge University Press.
- Bourdieu, P. (1984). *Distinction - A Social Critique of the Judgement of Taste*. Abingdon, Oxon: Routledge.
- Bourdieu, P. (1986). The forms of capital. In J. Richardson (Ed.), *Handbook of Theory and Research for the Sociology of Education* (pp. 241-258). New York: Greenwood.

- Bourdieu, P. (1990a). *In Other Words: Essays Towards a Reflexive Sociology* (M. Adamson, Trans.). Cambridge: Polity.
- Bourdieu, P. (1990b). *The Logic of Practice*. Cambridge: Polity Press.
- Bourdieu, P. (1998). *Practical Reason - On the Theory of Action*. Oxford: Blackwell Press.
- Bourdieu, P. (2001a). Cultural power. In L. Spillman (Ed.), *Cultural sociology*. Oxford: Blackwell Publishers.
- Bourdieu, P. (2001b). *Masculine Domination* (R. Nice, Trans.). Stanford, California: Stanford University Press.
- Bourdieu, P. (2018). Social Space and the Genesis of Appropriated Physical Space. *International Journal of Urban and Regional Research*, 42(1), 106-114.
- Bourdieu, P., & Wacquant, L. (1992). *An Invitation to Reflexive Sociology*. Cambridge: Polity Press.
- Bradney, A. (2011). How to Live: Aristocratic Values, the Liberal University Law School and the Modern Lawyer. *Web Journal of Current Legal Issues*(2).
- Brannen, J. (2013). Life Story Talk: Some Reflections on Narrative in Qualitative Interviews. *Sociological Research Online*, 18(2), 1-11.
- Braun, V., & Clarke, V. (2006). Using Thematic Analysis in Psychology. *Qualitative Research in Psychology*, 3(2), 77-101.
- Brayne, H. (2000). A Case for Getting Law Students Engaged in the Real Thing - the Challenge to the Saber-Tooth Curriculum. *The Law Teacher*, 34(1), 17-39.
- Brown, P., & Hesketh, A. (2004). *The Mismanagement of Talent: Employability and Jobs in the Knowledge Economy*. Oxford: Oxford University Press.
- Bryman, A. (2008). *Social Research Methods* (Third ed.). Oxford: Oxford University Press.
- Burbano, V., Mamer, J., & Snyder, J. (2018). Pro bono as a human capital learning and screening mechanism: Evidence from law firms. *Strategic Management Journal*, 39(11), 2899-2920.
- Burke, C. (2016). Bourdieu's theory of practice: Maintaining the role of capital. In J. Thatcher, N. Ingram, C. Burke, & J. Abrahams (Eds.), *Bourdieu: The Next Generation: The Development of Bourdieu's Intellectual Heritage in Contemporary UK Sociology*. Abingdon: Routledge.
- Burke, P. J., & Stets, J. E. (2009). *Identity Theory*. Oxford: Oxford University Press.
- Burke Robertson, C. (2011). Organizational Management of Conflicting Professional Identities. *Case Western Reserve Journal of International Law*, 43, 603-623.
- Burrage, M. (1996). From a gentlemen's to a public profession: status and politics in the history of English solicitors. *International Journal of the Legal Profession*, 3(1/2), 45-80.
- Burridge, R., & Webb, J. (2007). The Values of Common Law Legal Education: Rethinking Rules, Responsibilities, Relationships and Roles in the Law School. *Legal Ethics*, 10(1), 72-97.
- Burton, E. (1996). More Glass Ceilings than Open Doors: Women as Outsiders in the Legal Profession. *Fordham Law Review*, 65(2), 565-572.
- Byrne, B. (2004). Qualitative Interviewing. In C. Seale (Ed.), *Researching Culture and Society*. London: Sage.
- Ching, J. (2010). "I intend to do very well in it": the roads to competence. *Nottingham Law Journal*, 19(1), 22-41.

- Ching, J. (2015). Making a virtue of necessity? An opportunity to harness solicitors' attachment to the workplace as a place for learning. *Nottingham Law Journal*, 24, 36-66.
- Ching, J., Maharg, P., Sherr, A., & Webb, J. (2015). Lord Upjohn Lecture 2014: An overture for well-tempered regulators: four variations on a LETR theme. *The Law Teacher*, 49(2), 143-164.
- Clegg, S. (2008). Academic Identities under threat? *British Educational Research Journal*, 34(3), 329-345.
- Clementi, S. D. (2004). *Report of the Review of the Regulatory Framework for Legal Services in England and Wales*. Retrieved from [www.avocatsparis.org/Presence Internationale/Droit.../PDF/Rapport Clementi.pdf](http://www.avocatsparis.org/Presence_Internationale/Droit.../PDF/Rapport_Clementi.pdf)
- CLLS submission to the Legal Services Board on SRA's application for the approval of amendments to regulatory arrangements in respect of the introduction of the SQE. (2018). Retrieved from <http://www.citysolicitors.org.uk/attachments/article/104/CLLS%20Submission%20to%20the%20LSB%20-%20SQE%20-%2028%2002%2018.pdf>
- Colley, H., James, D., Tedder, M., & Diment, K. (2003). Learning as Becoming in Vocational Education and Training: class, gender and the role of vocational habitus. *Journal of Vocational Education and Training*, 55(4), 471-498.
- Collier, R. (2005). "Be smart, be successful, be yourself...": representations of the training contract and trainee solicitor in advertising by large law firms. *International Journal of the Legal Profession*, 12(1), 51-92.
- Collier, R. (2015). Naming Men As Men In Corporate Legal Practice: Gender And The Idea Of "Virtually 24/7 Commitment" In Law. *Fordham Law Review*, 83(5), 2387-2406.
- Connell, R. (2009). *Short Introductions: Gender*. Cambridge: Polity Press.
- Cook, A., Faulconbridge, J., & Muzio, D. (2009). *The firm as a new actor in legal education: implications and prospects*. Paper presented at the Society of Legal Scholars Centenary Conference, Keele University.
- Cook, A., Faulconbridge, J., & Muzio, D. (2012). London's Legal Elite: Recruitment through Cultural Capital and the Reproduction of Social Exclusivity in City Professional Service Fields *Environment and Planning A*, 44(7), 1744-1762.
- Cooper, D., & Robinson, K. (2006). Accounting professions and regulations: locating the sites of professionalization. *Accounting, Organisations and Society*, 31(4/5), 415-444.
- Corbin, J., & Morse, J. (2003). The Unstructured Interactive Interview: Issues of Reciprocity and Risks When Dealing With Sensitive Topics. *Qualitative Inquiry*, 9, 335-354.
- Costello, M. (1997). Women in the Legal Profession: You've Come a Long Way - Or Have You? *Detriot College of Law Review*, 3, 909-915.
- Coughlan, S. (2015). Clever Girls, Stupid Boys? *BBC News*. Retrieved from <http://www.bbc.co.uk/news/education-31751667>
- Cownie, F. (2004). *Legal Academics - Culture and Identities*. Oxford: Hart Publishing.
- Cownie, F. (2008). (Re) Evaluating values: A response to Burrage and Webb. *The Law Teacher*, 42(3), 302-311.
- Cownie, F. (2011). Exploring Values in Legal Education. *Web Journal of Current Legal Issues*(2).

- Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. *Stanford Law Review*, 43, 1241-1299.
- Creswell, J. (2007). *Qualitative Inquiry and Research Design: choosing among five approaches* (Second ed.). California: Sage.
- Creswell, J. (2014). *Research Design*. Thousand Oaks, CA: Sage.
- Creswell, J., & Creswell, J. (2017). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. London: Sage Publications.
- Cruess, S. R., & Cruess, R. L. (2012). Teaching professionalism - Why, What and How. *FVV in OBGYN (Monographs)*, 2-8.
- Davies, C. (1995). *Gender and the Professional Predicament in Nursing*. Buckingham: Open University Press.
- Davies, C. (1996). The Sociology of Professions and the Profession of Gender. *Sociology*, 30(4), 661-678.
- Davies, D., & Dodd, J. (2002). Qualitative Research and the Question of Rigor. *Qualitative Health Research*, 12, 279-289.
- Deer, C. (2014). Doxa. In M. Grenfell (Ed.), *Pierre Bourdieu: Key Concepts*. Abingdon: Routledge.
- Dhunpath, R. (2000). Life history methodology: "narradigm" regained. *International Journal of Qualitative Studies in Education*, 13(5), 543-551.
- Dillabough, J. (2004). Class, culture and the 'predicaments of masculine domination'. *British Journal of Sociology of Education*, 25(4), 489-506.
- Dingwall, R. (2007). "Turn off the oxygen...". *Law & Society Review*, 41(4), 787-795.
- Dixon, D. (2012). *Entry to the Solicitors' Profession 1980-2011 (Law Society website)*. Retrieved from https://www.google.co.uk/search?q=law+society+final+exams&ie=utf-8&oe=utf-8&client=firefox-b&gfe_rd=cr&ei=K_BtWZj8GqT38AfX7qnIBg#
- Dryburgh, H. (1999). Work Hard, Play Hard - Women and Professionalization in Engineering - Adapting to the Culture. *Gender & Society*, 13, 664-682.
- Duncan, N. (2010). Preparing Ethical Lawyers: A Prescription and a Practical Proposal. *Legal Ethics*, 13(1), 79-92.
- Edmonds, D. (2010). *Training the lawyers of the future - A regulator's view*. Paper presented at the Lord Upjohn Lecture. https://www.google.co.uk/search?q=edmonds+lord+upjohn+lecture&ie=utf-8&oe=utf-8&client=firefox-b&gfe_rd=cr&ei=l9x1Wd_NF8bv8Af_I7yoDA
- Empson, L. (Ed.) (2007). *Managing the Modern Law Firm: New Challenges, New Perspectives*. Oxford: Oxford University Press.
- Erikson, E. (1974). *Identity: Youth and Crisis*. London: Faber and Faber.
- Espinoza, J. (2015, 9 August 2015). University gender gap growing warns admissions chief. *The Telegraph*. Retrieved from <http://www.telegraph.co.uk/education/educationnews/11792260/University-gender-gap-growing-warns-admissions-chief.html>
- Evans, A. (1998). The Values Priority in Quality Legal Education: Developing a Values/ Skills Link through Clinical Experience. *The Law Teacher*, 32(3), 274-286.
- Evans, A. (2014). *The Good Lawyer*. Cambridge: Cambridge University Press.
- Evans, S. (2009). In a Different Place: Working-class Girls and Higher Education. *Sociology*, 43(2), 340-355.
- Evetts, J. (2012). *Professionalism in Turbulent Times: Changes, Challenges and Opportunities*. Paper presented at the Propel International Conference, Stirling.

- Evetts, J. (2015). Professionalism, Enterprise and the Market: Contradictory or Complementary? In H. Sommerlad, S. Harris-Short, S. Vaughan, & R. Young (Eds.), *The Futures of Legal Education and the Legal Profession*. Oxford and Portland, Oregon: Hart Publishing.
- Fancourt, A. (2004). Hitting the Ground Running - Are LPC Students Ready for Practice? *Legal Information Management*, 4(3), 168-171.
- Faulconbridge, J. (2012). Alliance "Capitalism" And Legal Education: An English Perspective. *Fordham Law Review*, 80, 2651-2659.
- Faulconbridge, J., & Hall, H. (2014). Reproducing the City of London's institutional landscape: the role of education and the learning of situated practices by early career elites. *Environment and Planning A*, 46, 1682-1698.
- Faulconbridge, J., & Muzio, D. (2008). Organizational professionalism in globalising law firms. *Work, Employment & Society*, 22(1), 7-25.
- Faulconbridge, J., & Muzio, D. (2009). Legal Education, Globalization, and Cultures of Professional Practice. *Georgetown Journal of Legal Ethics*, 21, 1335-1359.
- Ferris, G. (2014). *Uses of Values in Legal Education*. Cambridge: Intersentia.
- Ferris, G., & Huxley-Binns, R. (2010). Escaping the Wasteland: The Multiple Needs for an Explicit Incorporation of Values into the Core Curriculum of Contemporary Legal Education. *Journal of the World Universities Forum*, 3(1), 63-73.
- Flick, U. (2006). *An Introduction to Qualitative Research* (Third ed.). London: Sage.
- Flood, J. (2008). Will There Be Fallout from Clementi? The Global Repercussions for the Legal Profession after the UK Legal Services Act 2007. *Jean Monnet/Robert Schuman Paper Series*, 8(6).
- Flood, J. (2011). The re-landscaping of the legal profession: Large law firms and professional re-regulation. *Current Sociology*, 59(4), 507-529.
- Floyd, A., & Arthur, L. (2012). Researching from within: external and internal ethical engagement. *International Journal of Research & Method in Education*, 1-10. doi:10.1080/1743727x.2012.670481
- Fouzder, M. (2014, 8 September 2014). How To: Get a Training Contract. *Law Society Gazette*.
- Francis, A. (2005). Legal ethics, the marketplace and the fragmentation of legal professionalism. *International Journal of the Legal Profession*, 12(2), 173-200.
- Francis, A. (2011). *At the Edge of Law: Emergent and Divergent Models of Legal Professionalism*. Farnham, Surrey: Ashgate Publishing Ltd.
- Francis, A. (2015). Legal Education, Social Mobility and Employability: Possible Selves, Curriculum Intervention and the role of Legal Work Experience. *Journal of Law & Society*, 42(2), 173-201.
- Francis, A., & McDonald, I. (2009). After Dark and Out in the Cold: Part-time Law Students and the Myth of "Equivalency". *Journal of Law and Society*, 36(2), 220-247.
- Francis, A., & Sommerlad, H. (2009). Access to legal work experience and its role in the (re)production of legal professional identity. *International Journal of the Legal Profession*, 16(1), 63-86.
- Franklin, U. (1999). *The Real World of Technology (revised edition)*. Toronto: Anansi.
- Freidson, E. (1994). *Professionalism Reborn*. Chicago: University of Chicago Press.

- Fuchs Epstein, C., Saute, R., Oglensky, B., & Gever, M. (1995). Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession. *Fordham Law Review*, 64(2), 291-449.
- Gall, M. D., Gall, J. P., & Borg, W. (2007). *Educational Research - An Introduction* (Eighth ed.). Boston: Pearson.
- Geertz, C. (1973). *The Interpretation of Cultures*. New York: Basic Books.
- Gibbons, J. (2017). Policy recontextualisation: the proposed introduction of a multiple-choice test for the entry-level assessment of the legal knowledge of prospective solicitors in England and Wales, and the potential effect on university-level legal education. *International Journal of the Legal Profession*, 24(3), 227-241.
- Gibbs, G. R. (2007). Analyzing qualitative data. In U. Flick (Ed.), *The Sage qualitative research kit*. Thousand Oaks, CA: Sage.
- Giddens, A. (1991). *Modernity and self-identity: self and society in the late modern age*. Cambridge: Polity Press.
- Giddens, A. (2006). *Sociology* (5th ed.). Cambridge: Polity Press.
- Gilligan, C. (1982). *In a Different Voice*. Boston, Massachusetts: Harvard University Press.
- Glover, S., Bumpus, M., Sharp, G., & Munchus, G. (2002). Gender differences in ethical decision making. *Women in Management Review*, 17(5), 217-227.
- Goffman, E. (1959). *The Presentation of Self in Everyday Life*. St. Ives: Penguin.
- Golafshani, N. (2003). Understanding Reliability and Validity in Qualitative Research. *The Qualitative Report*, 8(4), 597-607.
- Goodman, J., & Silverstein, P. (2009). Introduction. In J. Goodman & P. Silverstein (Eds.), *Bourdieu in Algeria: Colonial Politics, Ethnographic Practices, Theoretical Developments*. Lincoln, Nebraska and London: University of Nebraska Press.
- Graham-Matheson, L. (2012, 16 August 2012). Who do you think you are? Developing your identity as a researcher *The Guardian*. Retrieved from <https://www.theguardian.com/higher-education-network/blog/2012/aug/16/phd-students-originality-conforming-academia>
- Guba, E. (2010). The alternative paradigm dialog. In E. Guba (Ed.), *The paradigm dialog*. Newbury Park, CA: Sage.
- Guba, E., & Lincoln, Y. (1989). *Fourth Generation Evaluation*. London: Sage.
- Haggerty, K. (2004). Ethics Creep: Governing Social Science Research in the Name of Ethics. *Qualitative Sociology*, 27(4), 391-414.
- Hanlon, J. (1999). *Lawyers, the State and the Market: Professionalism Revisited*. Basingstoke: Macmillan.
- Haynes, K. (2012). Body Beautiful? Gender, Identity and the Body in Professional Service Firms. *Gender, Work and Organization*, 19(5), 489-507.
- Hitlin, S. (2003). Values as the core of personal identity: drawing links between two theories of self. *Social Psychology Quarterly*, 66(2), 118-136.
- Hockey, J. (1993). Research methods - researching peers and familiar settings. *Research Papers in Education*, 8(2), 199-225.
- Hoonaard, V. D. (2001). Is Research-Ethics Review a Moral Panic? *Canadian Review of Sociology*, 38(1), 19-36.
- Hoong Sin, C. (2003). Interviewing in "place": the socio-spatial construction of interview data. *Area*, 35, 305-312.
- Hughes, D. (2016, 12 September 2016). Soaring inequality in UK "contributed to Brexit", Oxfam says. *The Independent*. Retrieved from

<http://www.independent.co.uk/news/uk/home-news/inequality-uk-contributed-to-brexite-oxfam-rich-poor-research-one-per-cent-a7239306.html>

- Hutchinson, H., Wilson, M., & Wilson, H. (1994). Benefits of participating in research interviews. *Journal of Nursing Scholarship*, 26, 161-164.
- Iphofen, R., & Tolich, M. (2018). Foundational Issues in Qualitative Research Ethics. In R. Iphofen & M. Tolich (Eds.), *SAGE Handbook of Qualitative Research Ethics*. London: Sage Publications Ltd.
- Israel, M., & Hay, I. (2006). *Research Ethics for Social Scientists*. London: Sage Publications Ltd.
- Jenkins, R. (2002). *Pierre Bourdieu* (Revised ed.). Abingdon, Oxon: Routledge.
- Jenkins, R. (2004). *Social Identity* (Second ed.). Abingdon, Oxon: Routledge.
- Johnson, T. (1972). *Professions and Power*. London: The Macmillan Press Ltd.
- Jones, K., Misra, J., & McCurley, K. (2013). Intersectionality in Sociology Retrieved from https://www.socwomen.org/.../swsfactsheet_intersectionality.pdf .
- Kamler, B., & Thomson, P. (2008). The Failure of Dissertation Advice Books: Toward Alternative Pedagogies for Doctoral Writing. *Educational Researcher*, 37(8), 507-514.
- Kellner, D. (1992). Popular Culture and the construction of postmodern identities. In S. Lash & J. Friedman (Eds.), *Modernity & Identity*. Oxford: Basil Blackwell Ltd.
- Kennedy, D. (1982). Legal Education and the Reproduction of Hierarchy. *Legal Education*, 32(4), 591-615.
- King, A. (2000). Thinking with Bourdieu Against Bourdieu: A "Practical" Critique of the Habitus. *Sociological Theory*, 18(3), 417-433.
- King, A. (2015). The Future of Legal Education from the Profession's Viewpoint: A Brave New World? In H. Sommerlad, S. Harris-Short, S. Vaughan, & R. Young (Eds.), *The Futures of Legal Education and the Legal Profession*. Oxford and Portland, Oregon: Hart Publishing.
- Krais, B., & Marston William, J. (2000). The Gender Relationship in Bourdieu's Sociology. *SubStance*, 29(3)(93), 53-67.
- Kumra, S. (2015). Busy Doing Nothing: An Exploration Of The Disconnect Between Gender Equity Issues Faced By Large Law Firms In The United Kingdom And The Diversity Management Initiatives Devised To Address Them. *Fordham Law Review*, 83, 2277-2299.
- Kvale, S. (2006). Dominance Through Interview Dialogues. *Qualitative Inquiry*, 12(3), 480-500.
- Kvale, S. (2007). *Doing Interviews*. London: SAGE Publications Ltd.
- Lamont, M. (2012). How Has Bourdieu Been Good to Think With? The Case of the United States. *Sociological Forum*, 27(1), 228-237.
- Larson, M. (1977). *The Rise of Professionalism: A Sociological Analysis*. Berkeley: University of California Press.
- Larson, M. (2013). *The Rise of Professionalism: Monopolies of Competence and Sheltered Markets*. New Brunswick, New Jersey: Transaction.
- Laurison, D., & Friedman, S. (2015). *Introducing the Class Ceiling: Social Mobility and Britain's Elite Occupations*. Retrieved from <http://www.voced.edu.au/content/ngv:70451>
- Lave, J., & Wenger, E. (1991). *Situated Learning: legitimate peripheral participation*. Cambridge: Cambridge University Press.
- Law Society entry trends. (2016). Retrieved from <http://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/>

- Law Society entry trends. (2017). Retrieved from <https://www.lawsociety.org.uk/support-services/research-trends/annual-statistics-report-2017/>
- Law Society Report: Obstacles and Barriers to the career development of woman solicitors. (2010). Retrieved from <https://www.lawsociety.org.uk/support-services/practice-management/diversity-inclusion/women-lawyers-division/useful-resources/>
- Law Society Website. Retrieved from <http://www.lawsociety.org.uk/about-us/>
- Law Society Women in the Law 2018 infographic. (2018). Retrieved from <https://www.lawsociety.org.uk/news/.../law-society-women-in-law-infographic/>
- Leppanen, S., Westinen, E., Kytola, S., & Peuronen, S. (2017). Introduction. In S. Leppanen, E. Westinen, S. Kytola, & S. Peuronen (Eds.), *Social Media Discourse, (Dis)Identifications and Diversities*. London: Routledge.
- LETR Report - Setting Standards: The future of legal services education and training regulation in England and Wales. (2013). Retrieved from <http://www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf>
- Lichtman, M. (2013). *Qualitative Research in Education: A User's Guide*. Thousand Oaks, California: Sage.
- Lincoln, Y., & Tierney, W. G. (2004). Qualitative Research and Institutional Review Boards. *Qualitative Inquiry*, 10(2), 219-234.
- Lo Iacono, V., Symonds, P., & Brown, D. (2016). Skype as a Tool for Qualitative Research Interviews *Sociological Research Online*, 21(2), 1-15.
- LPC Course Handbook Institution C. (2013).
- LPC Course Handbook Institution D. (2013).
- MacArthur, G., Jacob, N., Pound, P., Hickman, M., & Campbell, R. (2017). Among friends: a qualitative exploration of the role of peers in young people's alcohol use using Bourdieu's concepts of habitus, field and capital. *Sociology of Health & Illness*, 39(1), 30-46.
- Manderson, D., & Turner, S. (2006). Coffee House: Habitus and Performance Among Law Students. *Law & Social Inquiry*, 31(3), 649-676.
- Maton, K. (2008). Habitus. In M. Grenfell (Ed.), *Pierre Bourdieu Key Concepts*. Stocksfield: Acumen Publishing Limited.
- Maxwell, J. (1992). Understanding and Validity in Qualitative Research. *Harvard Educational Review*, 62(3), 279-300.
- Mcauley, C. (2003). Ethics. In R. Miller & J. Brewer (Eds.), *The A-Z of Social Research*. London: Sage Publications Ltd.
- McGlynn, C. (1998). *The Woman Lawyer - Making the difference*. London: Butterworths.
- McGlynn, C. (2000). The Business of Equality in the Solicitors' Profession. *Modern Law Review*, 63(3), 442-456.
- McGlynn, C. (2003). The Status of Women Lawyers in the United Kingdom. In U. Schultz & G. Shaw (Eds.), *Women in the World's Legal Professions*. Oxford: Hart Publishing.
- McNay, L. (1999). Gender, Habitus and the Field - Pierre Bourdieu and the Limits of Reflexivity. *Theory, Culture & Society*, 16(1), 95-117.
- McNay, L. (2000). *Gender and Agency: Reconfiguring the Subject in Feminist and Social Theory*. Cambridge: Polity Press.

- McSmith, A. (2015, 14 June 2015). 'Poshness test' is the new glass ceiling: Working-class denied top jobs as firms prefer 'well-travelled candidates with the right accent'. *The Independent*. Retrieved from <http://www.independent.co.uk/news/uk/home-news/poshness-test-is-the-new-glass-ceiling-lack-of-wealthy-background-denies-working-class-people-top-10319541.html>
- Menkel-Meadow, C. (1985). Portia in a Different Voice: Speculations on a Woman's Lawyering Process. *Berkeley Women's Law Journal*, 1(1), 39-63.
- Menkel-Meadow, C. (1989). Exploring a Research Agenda of the Feminization of the Legal Profession: Theories of Gender and Social Change. *Law & Social Inquiry*, 14(2), 289-319.
- Morrow, I. M. (2015). I failed in law school and you can too. *Canadian Lawyer*, (3 November 2015). Retrieved from <http://www.canadianlawyermag.com/5508/i-failed-in-law-school-and-you-can-too.html>
- Moore, R. (2008). Capital. In M. Grenfell (Ed.), *Pierre Bourdieu Key Concepts*. Stocksfield: Acumen Publishing Limited.
- Moorhead, R. (2016a). My response to the SRA's proposals for an SQE. Retrieved from <https://lawyerwatch.wordpress.com/2016/02/28/my-response-to-the-sras-proposals-for-an-sqe/>
- Moorhead, R. (2016b). SQEal: some initial thoughts on Training for Tomorrow. Retrieved from <https://lawyerwatch.wordpress.com/2015/12/10/sqeal-some-initial-thoughts-on-training-for-tomorrow/>
- Moorhead, R., Denvir, C., Cahill-O'Callaghan, R., Kouchaki, M., & Galoob, S. (2016). The ethical identity of law students. *International Journal of the Legal Profession*, 23(3), 235-275.
- Mossman, M. (2006). Legal Education as a Strategy for Change in the Legal Profession. In E. Sheehy & S. McIntyre (Eds.), *Calling for Change: Women, Law and the Legal Profession*. Ottawa, Ontario: University of Ottawa Press.
- Mountford, V. (2014). Rules of engagement beyond the gates: negotiating and capitalising on student "experience". In Y. Taylor (Ed.), *The Entrepreneurial University: Engaging Publics, Intersecting Impacts*. Basingstoke, UK: Palgrave Macmillan.
- Muzio, D., & Flood, J. (2012). Entrepreneurship, managerialism and professionalism in action: the case of the legal profession in England and Wales. In M. Reihlen & A. Werr (Eds.), *Handbook of research on entrepreneurship in professional services*. Cheltenham: Edward Elgar Publishing Ltd.
- Muzio, D., & Tomlinson, J. (2012). Editorial: Researching Gender, Inclusion and Diversity in Contemporary Professions and Professional Organizations. *Gender, Work and Organization*, 19(5), 455-466.
- Myers, M. (2000). Qualitative Research and the Generalizability Question: Standing Firm with Proteus. *The Qualitative Report*, 4(3).
- Myers, M., & Newman, M. (2007). The qualitative interview in IS research: examining the craft. *Information and Organization*, 17(1), 2-26.
- Navarro, Z. (2006). In Search of a Cultural Interpretation of Power: The Contribution of Pierre Bourdieu. *Institute of Development Studies Bulletin*, 36(6), 11-22.
- Nicholson, D. (2009). Teaching Legal Ethics: What, How and Why. *Education and Law Review*, 1, 1-19.

- Nicholson, D., & Webb, J. (2005). Public Rules and private values: fractured profession(alism)s and institutional ethics. *International Journal of the Legal Profession*, 12(2), 165-172.
- Norris, J. (1991). Mothers' involvement in their adolescent daughters' abortions. In M. Morse & J. Johnson (Eds.), *The illness experience: Dimensions of suffering*. London: Sage.
- Nunkoosing, K. (2005). The Problems With Interviews. *Qualitative Health Research*, 15(5), 698-706.
- O'Sullivan, H., Van Mook, W., Fewtrell, R., & Wass, V. (2012). Integrating Professionalism into the Curriculum. *Medical Teacher*, 34, 155-157.
- Office For National Statistics Guidance on SOC2010 volume 3: the National Statistics Socio-economic classification (NS-SEC rebased on SOC2010). Retrieved from <http://webarchive.nationalarchives.gov.uk/20160106042025/http://www.ons.gov.uk/ons/guide-method/classifications/current-standard-classifications/soc2010/soc2010-volume-3-ns-sec--rebased-on-soc2010--user-manual/index.html>
- Ortiz, S. (2001). How Interviewing Became Therapy for Wives of Professional Athletes: Learning From a Serendipitous Experience. *Qualitative Inquiry*, 7(2), 192-220.
- Oxfam. (2014). A Tale of Two Britains [Press release]. Retrieved from <http://policy-practice.oxfam.org.uk/publications/a-tale-of-two-britains-inequality-in-the-uk-314152>
- Oyserman, D., Bybee, D., & Terry, K. (2006). Possible Selves and Academic Outcomes: How and When Possible Selves Impel Action. *Journal of Personality and Social Psychology*, 91(1), 188-204.
- Partington, G. (2001). Qualitative research interviews: Identifying problems in technique. *Issues in Educational Research*, 11(2), 32-44.
- Passi, V., Johnson, S., Peile, E., Wright, S., Hafferty, F., & Johnson, N. (2013). Doctor role modelling in medical education: BEME Guide No. 27. *Medical Teacher*, 35, e1422-e1436.
- Perez-Hurtado, L., & Montoya, J. (2011). Teaching Values through Pedagogical Practice in Legal Education. *Web Journal of Current Legal Issues*(2).
- Plumridge, L., & Holland, J. (2003). Longitudinal qualitative research: a developing methodology. *International Journal of Social Research Methodology*, 6(3), 185-187.
- Polit, D., & Beck, C. (2010). Generalization in quantitative and qualitative research: Myths and strategies. *International Journal of Nursing Studies*, 47(11), 1451-1458.
- Ponterotto, J. (2006). Brief Note on the Origins, Evolution, and Meaning of the Qualitative Research Concept Thick Description. *The Qualitative Report*, 11(3), 538-549.
- Posner, G. (1995). *Analyzing the curriculum*. Columbus, Ohio: McGraw Hill.
- Proctor, K. (2015, 26 December 2015). 'I've been in some horrific situations' - MP. *Yorkshire Post*. Retrieved from <http://www.yorkshirepost.co.uk/news/i-ve-been-in-some-horrific-situations-mp-1-7642788#ixzz4BpphjPmk>
- Pue, W. (2008). Legal Education's Mission. *The Law Teacher*, 42(3), 270-290.
- Ray, S. (2010). Role models. *BMJ Careers*.

- Reay, D. (2004). Gendering Bourdieu's concepts of capitals? Emotional capital, women and social class. In L. Adkins & B. Skeggs (Eds.), *Feminism After Bourdieu*. Oxford: Blackwell Publishing.
- Rowe, M., Murray, M., & Westwood, F. (2012). Professionalism in pre-practice legal education: an insight into the universal nature of professionalism and the development of professional identity. *The Law Teacher*, 46(2), 120-131.
- Rueschemeyer, D. (1989). Comparing Legal Professions: A State-Centred Approach. In R. Abel & P. Lewis (Eds.), *Layers in Society: Comparative Theories*. California: University of California.
- Sanders, A. (2015). Poor Thinking, Poor Outcome? The Future of the Law Degree after the Legal Education and Training Review and the Case for Socio-Legalism. In H. Sommerlad, S. Harris-Short, S. Vaughan, & R. Young (Eds.), *The Futures of Legal Education and the Legal Profession*. Oxford and Portland, Oregon: Hart Publishing.
- Schein, E. (1985). *Organizational Culture and Leadership*. San Francisco: Jossey-Bass Ltd.
- Schleef, D. (2006). *Managing Elites - Professional Socialization in Law and Business Schools*. Lanham, Maryland: Rowman & Littlefield Publishers Inc.
- Schleef, D. (2010). Identity transformation, hegemonic masculinity and research on professionalisation. *Sociology Compass*, 4(2), 122-135.
- Schofield, J. W. (1993). Increasing the generalisability of qualitative research. In M. Hammersley (Ed.), *Educational Research: Current Issues, Volume One*. London: Paul Chapman Publishing.
- Schofield, J. W. (2002). Increasing the Generalizability of Qualitative Research. In A. M. Huberman & M. B. Miles (Eds.), *The Qualitative Researcher's Companion*. London: Sage.
- Seale, C. (2004). Coding and analysing data. In C. Seale (Ed.), *Researching Society and Culture*. London: Sage Publications Ltd.
- Seidman, I. (2015). *Interviewing as Qualitative Research - A Guide for Researchers in Education and the Social Sciences*. New York and London: Teachers' College Press.
- Shah, S. (2004). The researcher/interviewer in intercultural context: a social intruder! *British Educational Research Journal*, 30(4), 549-575.
- Silius, H. (2003). Making sense of gender in the study of legal professions. *International Journal of the Legal Profession*, 10(2), 135-148.
- Silverman, D. (2006). *Interpreting Qualitative Data: Methods for Analyzing Talk, Text & Interaction*. London: Sage.
- Silverman, D. (2010). *Doing Qualitative Research*. London: Sage Publications Ltd.
- SLSA. (2009). UK Socio-Legal Studies Association Statement of Principles of Ethical Research Practice. Retrieved from <https://www.slsa.ac.uk/images/slsadownloads/ethicalstatement/slsa%20ethics%20statement%20final%5B1%5D.pdf>
- Sommerlad, H. (1998). The Gendering of the Professional Subject: Commitment, Choice and Social Closure in the Legal Profession. In C. McGlynn (Ed.), *Legal Feminisms: Theory and Practice*. Aldershot, England: Dartmouth Publishing Company Limited.
- Sommerlad, H. (2002). Women solicitors in a fractured profession: intersections of gender and professionalism in England and Wales. *International Journal of the Legal Profession*, 9(3), 213-234.

- Sommerlad, H. (2003). Can Women Lawyer Differently? A Perspective from the UK. In U. Schultz & C. Shaw (Eds.), *Women in the World's Legal Professions*. Oxford-Portland, Oregon: Hart Publishing.
- Sommerlad, H. (2006). "Becoming" a Lawyer: Gender and the Processes of Professional Identity Formation. In S. McIntyre & E. Sheehy (Eds.), *Calling for Change: Women, Law and the Legal Profession*. Ottawa, Canada: University of Ottawa Press.
- Sommerlad, H. (2007). Researching and Theorising the Processes of Professional Identity Formation. *Journal of Law and Society*, 34(2), 190-217.
- Sommerlad, H. (2008). "What are you doing here? You should be working in a hair salon or something": outsider status and professional socialisation in the solicitors' profession. *Web Journal of Current Legal Issues*(2).
- Sommerlad, H. (2012a). Minorities, Merit, And Misrecognition In The Globalised Profession. *Fordham Law Review*, 80, 2482-2512.
- Sommerlad, H. (2012b). *The Professional Precariat: The Case of Law*. Paper presented at the Propel Inaugural Conference, Stirling University.
- Sommerlad, H. (2015). The "Social Magic" Of Merit: Diversity, Equity, And Inclusion In The English And Welsh Legal Profession. *Fordham Law Review*, 83(5), 2325-2347.
- Sommerlad, H. (2016). "A pit to put women in": professionalism, work intensification, sexualisation and work-life balance in the legal profession in England and Wales. *International Journal of the Legal Profession*, 23(1), 61-82.
- Sommerlad, H., Webley, L., Duff, L., Muzio, D., & Tomlinson, J. (2010). *Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices*. Retrieved from https://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/lrb_diversity_in_the_legal_profession_final_rev.pdf
- Spencer, L., Ritchie, J., Lewis, J., & Dillon, L. (2003). *Quality in Qualitative Evaluation: A framework for assessing research evidence*.
- Squire, C., Davis, M., Ersin, C., Andrews, M., Harrison, B., Hyden, L., & Hyden, M. (2014). *What is Narrative Research?* London: Bloomsbury.
- SRA. (2013). Training For Tomorrow - Policy Statement. Retrieved from <http://www.sra.org.uk/sra/policy/training-for-tomorrow/resources/policy-statement.page>
- SRA. (2017). Frequently Asked Questions. Retrieved from <https://www.sra.org.uk/faqs/contact-centre/students/resources/06-legal-practice-course-LPC/what-lpc.page>
- SRA. (2018). Application to the LSB (12 January 2018) for approval of the SQE. Retrieved from http://www.legalservicesboard.org.uk/Projects/statutory_decision_making/pdf/2018/SQE_LSB_application_January_2018_v_1.0_FINAL.pdf
- SRA Diversity Monitoring Statistics 2012. (2012). Retrieved from <http://www.sra.org.uk/sra/equality-diversity/diversity-monitoring/diversity-monitoring-2012.page>
- SRA Legal Practice Course Outcomes. (2011). Retrieved from <http://www.sra.org.uk/students/lpc.page>
- Stenbacka, C. (2001). Qualitative Research Requires Quality Concepts of its Own. *Management Decision*, 39(7), 551-555.

- Strauss, A. L., & Corbin, J. M. (1998). *Basics of Qualitative Research - Techniques and Procedures for Developing Grounded Theory* (Second ed.). California: Sage.
- The Student Room (student discussion site). Retrieved from <http://www.thestudentroom.co.uk/showthread.php?t=1956556>
- Submission to the LSB by the Four Law Subject Associations on The SRA's Application to the LSB for approval of the SQE. (2018). Retrieved from [http://www.legalservicesboard.org.uk/Projects/statutory_decision_making/pdf/2018/Letter from ALT CHULS SLS and SLSA to LSB of 26 January 2018.pdf](http://www.legalservicesboard.org.uk/Projects/statutory_decision_making/pdf/2018/Letter_from_ALT_CHULS_SLS_and_SLSA_to_LSB_of_26_January_2018.pdf)
- Sullivan, J. (2012). Skype: An Appropriate Method of Data Collection for Qualitative Interviews? *The Hilltop Review*, 6(1), 54-60.
- Sullivan, W., Colby, A., Welch Wegner, J., Bond, L., & Shulman, L. (2007). *Educating Lawyers: Preparation for the Profession of Law (The Carnegie Report)*. Retrieved from http://archive.carnegiefoundation.org/pdfs/elibrary/elibrary_pdf_632.pdf
- Sutton Trust. *The class ceiling: increasing access to the leading professions (for the All Party Parliamentary Group on Social Mobility)*. (2017). Sutton Trust.
- Sweetman, P. (2003). Twenty-first century dis-ease? Habitual reflexivity or the reflexive habitus. *The Sociological Review*, 528-549.
- Thomas, D. (2006). A General Inductive Approach for Analyzing Qualitative Evaluation Data. *American Journal of Evaluation*, 27(2), 237-246.
- Thomas, G. (2011). The case: generalisation, theory and phronesis in case study. *Oxford Review of Education*, 37(1), 21-35.
- Thomas, G. (2011). *How to do Your Case Study*. London: Sage.
- Thomas, G. (2013). *How to do your Research Project* (2nd ed.). Thousand Oaks, California: Sage.
- Thomson, R., Plumridge, L., & Holland, J. (2003). Longitudinal qualitative studies and the reflexive self. *International Journal of Social Research Methodology*, 6(3), 213-222.
- Tolich, M. (2016). Qualitative Ethics in Practice. In M. Tolich (Ed.), *Qualitative Ethics in Practice*. London: Routledge.
- Tomlinson, J., Muzio, D., Sommerlad, H., Webley, L., & Duff, L. (2013). Structure, agency and career strategies of white women and black and minority ethnic individuals in the legal profession. *Human Relations*, 66(2), 245-269.
- Trede, F., Macklin, R., & Bridges, D. (2012). Professional identity development: a review of the higher education literature. *Studies in Higher Education*, 37(3), 365-384. doi:10.1080/03075079.2010.521237
- Trowler, P. (2011). Researching your own institution. *British Educational Research Association on-line resource*. Retrieved from <https://www.bera.ac.uk/researchers-resources/publications/researching-your-own-institution-higher-education>
- University of Leeds Briefing Note: Reforms to the Qualification Route to the Solicitors' Profession. (2016). Retrieved from <http://www.law.leeds.ac.uk/assets/files/events/2016/SQE%20October%202016%20Initial%20Briefing.pdf>
- University of Southampton website information on undergraduate courses in medicine. Retrieved from <https://www.southampton.ac.uk/medicine/undergraduate/study/faqs.page>

- Van Manem, M. (1990). *Researching Lived Experience: Human Science for an Action Sensitive Pedagogy*. State of New York University Press.
- Van Teijlingen, E., & Hundley, V. (2001). The importance of pilot studies. *University of Surrey Social Research Update*(Issue 35).
- Vincent, C., & Warren, S. (2001). "This won't take long...": interviewing, ethics and diversity. *International Journal of Qualitative Studies in Education*, 14(1), 39-53.
- Wacquant, L. (1989). Towards a Reflexive Sociology: A Workshop with Pierre Bourdieu. *Sociological Theory*, 7(1), 26-63.
- Wacquant, L. (2005). Habitus. In J. Beckett & M. Zafirovski (Eds.), *International Encyclopaedia of Economic Sociology*. London: Routledge.
- Ward, B. (2003). Reflecting on the value and use of the edited topical life history approach - a research approach. In T. O'Donoghue & K. Punch (Eds.), *Qualitative Educational Research in Action - Doing and Reflecting*. London: Routledge Farmer.
- Watt, D. (2007). On Becoming a Qualitative Researcher: The Value of Reflexivity. *The Qualitative Report*, 12(1), 82-101.
- Webb, J. (2002). Being a Lawyer/ Being a Human Being. *Legal Ethics*, 5(1&2), 130-151.
- Webb, J., & Fancourt, A. (2004). The Law Society's Training Framework Review: On the Straight and Narrow or the Long and Winding Road? *The Law Teacher*, 38(3), 293-325.
- Weber, M. (1968). *Economy and Society* (G. Roth & C. Wittich Eds.). New York: Westminister Press.
- Webley, L. (2011). Law students as peer mentors: developing the reflective practitioner and/or embedding legal learning: correspondent's report from the United Kingdom *Legal Ethics*, 14(2), 250-251.
- Webley, L. (2012). Solicitors as imagined masculine, family mediators as fictive feminine and the hybridization of divorce solicitors. In F. Bartlett, R. Mortensen, & K. Tranter (Eds.), *Alternative Perspectives on Lawyers and Legal Ethics*. New York: Routledge.
- Webley, L. (2015). Legal Professional De(re)regulation, Equality, And Inclusion, And The Contested Space Of Professionalism Within The Legal Market In England And Wales. *Fordham Law Review*, 83(5), 2349-2367.
- Webley, L., & Duff, L. (2007). Women Solicitors as a Barometer for Problems within the Legal Profession - Time to Put Values Before Profits. *Journal of Law and Society*, 34(3), 374-402.
- Webley, L., Tomlinson, J., Muzio, D., Sommerlad, H., & Duff, L. (2016). Access to a Career in the Legal Profession in England and Wales: Race, Class, and the Role of Educational Background. In S. Headworth & R. L. Nelson (Eds.), *Diversity in Practice: Race, Gender and Class in Legal and Professional Careers*. Cambridge: Cambridge University Press.
- Wells, C. (2003). The Remains of the Day: The Women Law Professors Project. In U. Schultz & G. Shaw (Eds.), *Women in the World's Legal Professions*. Oxford and Portland Oregon: Hart Publishing.
- Wells, J. (2015). How do we close the education gender gap? *The Telegraph*, (1 December 2015). Retrieved from <http://www.telegraph.co.uk/men/thinking-man/how-do-we-close-the-education-gender-gap/>
- West, R. (1988). Jurisprudence and Gender. *University of Chicago Law Review*, 55(1), 1-72.

- Westaby, C. (2010). "Feeling like a sponge": the emotional labour produced by solicitors in their interactions with clients seeking asylum. *International Journal of the Legal Profession*, 17(2), 153-174.
- Whittemore, R., Chase, S., & Mandle, C. (2001). Validity in Qualitative Research. *Qualitative Health Research*, 11(4), 522-537.
- Willis, J. (2010). Legal Practice Course Teachers: What Can Their Stories Tell Us? *Nottingham Law Journal*, 19, 22-36.
- Witz, A. (1990). Patriarchy and Professions: The Gendered Politics of Occupational Closure. *Sociology*, 24(4), 675-690.
- Witz, A. (1992). *Professions and Patriarchy*. London: Routledge.
- Wolcott, H. (1990). *Writing Up Qualitative Research*. Thousand Oaks: Sage.
- Yang Costello, C. (2005). *Professional Identity Crisis - Race, Class, Gender, and Success at Professional Schools*. Nashville, Tennessee: Vanderbilt University Press.
- Yin, R. K. (2009). *Case study research: Design and methods* (4th ed.). Thousand Oaks, CA: Sage.